



CMD 25-H9.17

Date: 2025-10-24

**Written Submission from
Peter Ballantyne First Nation**

**Mémoire de
Peter Ballantyne First Nation**

In the matter of

À l'égard de

Denison Mines Corporation

Licence Application to Prepare Site and
Construct for Denison Mines' Wheeler
River Mine and Mill Project

Denison Mines Corporation

Demande de permis pour la préparation de
l'emplacement et la construction du projet
de mine et d'usine de concentration
d'uranium Wheeler River de Denison Mines

Commission Public Hearing

Audience publique de la Commission

December 2025

Décembre 2025

Canadian Nuclear Safety Commission

In the Matter of Denison Mines Corporation's license application to prepare a site for and construct its Wheeler River mine and mill project

Final Submissions of Peter Ballantyne First Nation

October 24, 2025

TABLE OF CONTENTS

PART I. OVERVIEW	3
PART II. FACTS	4
A. The Project	4
B. Peter Ballantyne Cree Nation.....	5
C. Environmental Assessment Requirements.....	5
D. Denison’s Early Engagement with Other Indigenous Communities	6
E. Denison’s Engagement with PBCN.....	8
F. CNSC’s Consultation with PBCN	9
G. Project Impacts On PBCN Rights.....	14
H. Mitigation Measures Proposed by PBCN	16
PART III. ISSUES	16
PART IV. DISCUSSION	17
A. The Crown’s Duty to Consult PBCN Has Not Been Satisfied	17
i. CNSC Has a Duty to Engage in Deep Consultation with PBCN on the Project ..	17
ii. The Duty to Consult Has Not Been Met In This Case.....	19
a. The EIS Lacks PBCN Input And Cannot Be Relied On.....	19
b. The Final EA Report Lacks PBCN Input And Cannot Be Relied On	20
c. Denison and CNSC delayed engaging with PBCN	21
B. The Requirements of the <i>NSCA</i> Have Not Been Satisfied	21
C. The Crown’s International Law Obligations Have Not Been Satisfied.....	22
D. The Requirements of the <i>CEAA 2012</i> Have Not Been Satisfied	23
PART V. CONCLUSION AND ORDER REQUESTED	24

**WRITTEN INTERVENTION SUBMISSIONS OF PETER BALLANTYNE
CREE NATION – DENISON MINES CORP WHEELER RIVER
PROJECT**

PART I. OVERVIEW

1. Denison Mines Corporation (“**Denison**”) has proposed a uranium mine and processing facility, the Wheeler River Project (the “**Project**”) on the traditional territory of Peter Ballantyne Cree Nation (“**PBCN**”). In this hearing, the Canadian Nuclear Safety Commission (“**CNSC**”) must approve the issuance of a licensing for the Project and decide whether the Project will have significant environmental effects.

2. This Project could have potentially devastating impacts on PBCN’s exercise of its Aboriginal rights, and yet one would not know this having read the materials before the CNSC, including the Environmental Assessment Report (the “**Final EA Report**”) and the final Environmental Impact Statement (the “**Final EIS**”). In the consultation process leading up to this phase of regulatory approval, CNSC has failed to engage in a meaningful dialogue with PBCN. Absent the adverse impacts on PBCN and mitigation measures proposed by PBCN in the materials before the CNSC, the CNSC cannot properly issue a license for the Project or determine whether or not it will have significant adverse environmental effects.

3. PBCN has occupied the lands and waters of northeastern Saskatchewan and Northwestern Manitoba since time immemorial. While PBCN signed an adhesion to Treaty 6, PBCN’s traditional territory spans all of Treaty 10. Within its traditional territory, members of PBCN continue to exercise their constitutionally protected aboriginal and treaty rights, including their rights to hunt, trap, fish and gather. PBCN has reserves in Treaty 10 territory. The federal Crown, and therefore, the Canadian Nuclear Safety Commission (“**CNSC**”), has knowledge that PBCN has aboriginal rights throughout Treaty 10 for over a century.

4. Despite this, PBCN was *not* one of the First Nations or Metis groups initially contacted by the proponent of the Wheeler River Project (the “**Project**”), Denison Mines Corporation (“**Denison**”). Indeed, Denison has consistently taken the position that the Project will not impact PBCN’s rights and has rebuffed PBCN in requests for capacity funding to meaningfully engage with Denison regarding the Project. Denison has further failed to incorporate any of the information provided by PBCN into its Final EIS which was approved by CNSC.

5. Instead of the CNSC making up for the delay which flowed from its failure to recognize PBCN as a community of interest earlier in the regulatory phases, it has consistently deferred discussions to the issue of PBCN's current land use at the Project Site. Moreover, CNSC has failed to meaningfully respond to PBCN concerns. PBCN remained actively engaged in the consultation process, yet CNSC downplayed PBCN's concerns and interest in mitigation and monitoring measures, relying on mitigation and monitoring measures Denison had developed with other Nations. The Final EA Report does not adequately respond to PBCN's stated concerns regarding the Project.

6. The duty to consult in this case is on the high end of the spectrum, as informed by UNDRIP.¹ Thus far, CNSC has not discharged its constitutional obligations, and the Project does not have the free, prior and informed consent of PBCN.

PART II. FACTS

A. The Project

7. This hearing concerns a uranium mine and processing facility in the eastern portion of the Athabasca basin in northern Saskatchewan proposed by Denison. The Project is located approximately 35 km northeast of the Key Lake mill and 35 km southwest of the McArthur River uranium mine (the "**Project Site**").

8. Denison proposes to extract an average of 9 million pounds, up to a maximum of 12 million pounds, of uranium per year through the Project.² It proposes to do so through a form of uranium mining that involves injecting a water-based acidic mining solution into a series of wells in the uranium deposit to dissolve and transport the uranium to a processing facility located on the Project Site.

9. The Project Site is located within the boundaries of Treaty 10, and on the traditional territory of PBCN.

¹ *United Nations Declaration on the Rights of Indigenous Peoples*, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 ("UNDRIP")

² CNSC's Wheeler River Project Environmental Assessment Report, p. iii <https://iaac-aeic.gc.ca/050/documents/p80178/162913E.pdf> ("**Final EA Report**")

B. Peter Ballantyne Cree Nation

10. Peter Ballantyne Cree Nation (“**PBCN**”) is a Woodland Cree First Nation in northern Saskatchewan consisting of eight communities: Denare Beach, Deschambault Lake, Kinoosao, Pelican Narrows, Prince Albert, Sandy Bay, Southend, and Sturgeon Landing. PBCN are called Assin’skowitiniwak. Assin’skowitiniwak means “people of the rocky area.”

11. PBCN is a band within the meaning of the [*Indian Act*](#), R.S.C. 1985, c. I-5 [*Indian Act*] and consist of over 13,000 registered members. A Band Council comprised of a chief and fourteen elected councillors governs PBCN.

12. In 1876, Canada entered into a treaty at Fort Pitt and Fort Carlton with certain Indian tribes and bands including the Plain and Wood Cree Tribes of Indians (“**Treaty 6**”). The James Roberts Band and other members of the Wood Cree Tribe of Indians adhered to Treaty 6 through agreements signed in 1898 and 1899.

13. In or about 1900, certain members of the James Roberts Band were constituted as a separate Band and became the Peter Ballantyne Cree Nation.

14. Though PBCN is an adherent to Treaty 6, PBCN’s traditional territory encompasses a significant area of Treaty 10 and a smaller portion of Treaty 5.

15. The federal Crown has had real or imputed knowledge of PBCN’s Aboriginal and treaty rights in the Project Area for over a century. For example, during a treaty land entitlement process in the late 1990’s, PBCN selected 13,760 square acres of land that appears some 120km northeast of the Wheeler River Project area (the “**Asamera Selection**”) due in part to its connection to the Athabasca Basin. While the Asamera Selection has not yet been added as a PBCN reserve, it is another example of the Crown’s knowledge of PBCN’s connection to the land related to the Project area.

C. Environmental Assessment Requirements

16. The Project is subject to three primary environmental assessment requirements: a provincial environmental assessment by the Environmental Assessment and Stewardship Branch

(“**EASB**”) of the province of Saskatchewan (the “**Province**”) pursuant to the *EAA*³; a federal environmental assessment by the CNSC in accordance with s. 22 of *CEAA 2012*⁴; and a license to Prepare Site and Construct under s. 24 of the *NSCA*.⁵

17. In these proceedings, the CNSC is considering approval of both Denison’s application for a licence (the “**NSCA License**”), and a decision on the Project’s federal environmental assessment (the “**EA Decision**”) (together, the “**Approvals**”).

18. On November 25, 2024, Denison filed the Final EIS with the CNSC after the conclusion of the technical review phase of the federal environmental assessment process.

19. On August 19, 2025, CNSC staff released the Final EA Report in respect of the Project, intended to serve as the basis for the EA Decision.

20. These two documents form a significant part of the record before this Commission in making its decisions on the Approvals. However, both documents were developed without meaningful engagement with PBCN. Importantly, both documents do not respond to PBCN’s expressed serious concerns about the impacts of the Project on its Aboriginal and treaty rights. At best, the documents briefly summarize PBCN’s concerns without responding to them, and at worst PBCN’s concerns are ignored entirely.

21. In respect of the provincial environmental assessment, on July 31, 2025, the Minister of Environment decided pursuant to s. 15(1)(a) of the *EAA* to approve the Project subject to certain terms and conditions. PBCN intends to pursue a judicial review of the Province’s July 31, 2025, decision approving the Project pursuant to section 15(1)(a) of *EAA*.

D. Denison’s Early Engagement with Other Indigenous Communities

22. Starting in 2016, Denison began engaging with several Indigenous communities regarding the Project (the “**Communities of Interest**”). The criteria used by Denison to identify the “Communities of Interest” to be consulted as indicated in the Final EIS include:

³ *The Environmental Assessment Act*, S.S. 1979-80, c. E-10.1

⁴ s. 181(1) of the *Impact Assessment Act*, S.C. 2019, c. 28, s. 1

⁵ *Nuclear Safety and Control Act*, S.C. 1997, c. 9 [NSCA]

- Treaty 10 signatory;
- potential or established Indigenous / Treaty Rights within the Project Area;
- geographic proximity of community and / or reserve land to the Project Site;
- known traditional territory in and around the Project Site, including travel routes;
- history of relationship with operating companies, the CNSC and the Province in relation to other projects located near the Project (McArthur River, Key Lake, Millennium); and,
- the potential for collective exercising of Indigenous / Treaty rights in proximity to the Project Site.⁶

23. In 2016, Denison identified the following Communities of Interest: the English River First Nation, Kineepik Metis Local #9, the Sipishik Metis Local #37, and the A La Baie Metis Local #21. Denison then added Patuanak Metis Local #82 and Hatchet Lake First Nation as Communities of Interest in 2019.

24. PBCN was not included as a Community of Interest, despite the fact that PBCN met the key criteria giving rise to it being a Community of Interest. PBCN has:

- reserves within Treaty 10 geographic boundaries;
- potential indigenous rights within the Project area;
- known traditional territory in and around the Project site, including travel routes; and
- the potential for the collective exercising of Indigenous rights in proximity to the Project.

25. CNSC staff and Denison then identified additional Indigenous communities to engage with that were not Communities of Interest. Those communities included: Fond du Lac First Nation; Black Lake First Nation; Birch Narrows Dene Nation; Buffalo River Dene Nation; Lac La Ronge Indian Band; and Dore/Sled Lake Metis Local #67.

⁶ Denison's Indigenous Engagement Report, p. 1-9: <https://iaac-aeic.gc.ca/050/documents/p80178/159365E.pdf>

E. Denison's Engagement with PBCN

26. On March 6, 2023, PBCN contacted Denison by email in relation to the Project and the issue of PBCN's exclusion from earlier consultation.

27. On September 20, 2023, PBCN met with Denison to discuss the Project and its potential impacts on PBCN. Denison rejected all of PBCN's efforts to develop a workplan and meaningfully engage with a funding agreement in order to assist it in assessing potential impacts and identify appropriate mitigation and monitoring measures.

28. On October 5, 2023, PBCN sent a letter to Denison requesting capacity funding on a cost recovery basis in order to "retain advice and analysis to sufficiently understand the Project and its impacts to PBCN treaty and aboriginal rights".⁷

29. On November 22, 2023, Denison sent a letter requesting information from PBCN with respect to its current land use at the Project Site.⁸ On December 13, 2023, PBCN responded to this letter. PBCN indicated that members of its Land and Resources Committee shared personal stories with Denison regarding their and their families' uses in and around the Project area at the September meeting. It reiterated its request for capacity funding to retain external experts to complete a PBCN-specific traditional land and resources uses ("TLRU") report for the Project.⁹

30. On January 10, 2024, Denison responded to PBCN's December letter. Denison took the position that PBCN had not shared sufficient details as to how the Project may impact PBCN's treaty and Aboriginal rights. It stated that "based on the area of potential influence of the Project and the information currently in-hand, Denison does not anticipate the Project will adversely affect PBCN land uses or activities". It stated that while PBCN sought funds to complete a TLRU report, such a study was not warranted for the Project.¹⁰

31. On November 25, 2024, Denison filed the Final EIS. PBCN had a very limited window to comment on the Final EIS given the dilatory acceptance by the provincial Crown as to their constitutional obligation to consult with PBCN. Section 4 of the Final EIS, with respect to

⁷ PBCN's October 5, 2023 letter to Denison is attached to these submissions at **Appendix A**

⁸ Denison's November 22, 2023 letter to PBCN is attached to these submissions at **Appendix B**

⁹ PBCN's December 13, 2023 letter to Denison is attached to these submissions at **Appendix C**

¹⁰ Denison's January 10, 2024 letter to PBCN is attached to these submissions at **Appendix D**

“Engagement” describes Denison’s engagement with PBCN. Section 3 of the Final EIS, “Indigenous and Local Knowledge” contains no information about PBCN, their local knowledge, and/or perspectives on the Project.

32. On April 8, 2025, PBCN sent a letter to Denison expressing its interest in undertaking engagement activities with Denison and sharing results of a memorandum and evidence-based map of the land use in its traditional territory (the “**Firelight Memorandum**”).¹¹ The Firelight Memorandum is an internal document prepared for PBCN documenting a sample of 52 members’ current and historic uses of the land. PBCN attempted to meet with Denison to share the Land Use Map and provide the results of the updated mapping, however, Denison was unwilling to meet.

33. On May 13, 2025, Denison sent a letter to PBCN’s letter indicating that it “continued” to be open to engagement with PBCN, but again asserting that it would not engage with PBCN absent even more information about PBCN’s Aboriginal rights and its current members exercise of them. In that letter, it requested specific locations and dates of each exercise of Aboriginal rights on the territory by PBCN members, and stated it would not provide capacity funding or engage with PBCN absent that information.¹²

34. PBCN responded to Denison’s letter on May 27, 2025. Over the summer, the parties proceeded to finalize an Environmental Monitoring and Engagement Agreement. The Agreement was finalized on August 22, 2025.

F. CNSC’s Consultation with PBCN

35. By 2022, PBCN had become aware of the Project through the provincial environmental assessment process and initiated engagement with CNSC staff.

36. In early 2022, PBCN applied to CNSC and received project funding to review the draft version of the EIS. On October 21, 2022, CNSC sent PBCN the draft Environment Impact Statement (the “**Draft EIS**”) for its review and comments.

¹¹ PBCN’s April 8, 2025 letter to Denison is attached to these submissions at **Appendix E**

¹² Denison’s May 13, 2025 letter to PBCN is attached to these submissions at **Appendix F**

37. By letter dated March 3, 2023, PBCN provided comments to the CNSC on the Draft EIS.¹³ Those comments were consolidated into public comment tables for response by Denison and CNSC. This letter also shared PBCN's view that CNSC and Denison had erroneously excluded it from engagement. It included appended a map of PBCN's traditional territory and included the following:

For the record:

- PBCN territory encompasses Treaty 10.
- PBCN has potential or established Indigenous Rights within the Project Area.
- The PBCN community of Southend is proximate to the Project Site having regard to conditions and the geography of Northern Saskatchewan. Southend is 185 km away, in a straight line, from the Project Site.
- PBCN has known traditional territory and has exercised aboriginal rights in and around the Project Site.
- PBCN not only has the potential to exercise its Indigenous/Treaty Rights in proximity to the Project but is currently doing so.

38. PBCN indicated in its letter that Denison and the CNSC's lack of understanding concerning PBCN's territory and the exercise of its Indigenous rights has impeded engagement during the early stages of the Project's regulatory process. PBCN implored the CNSC to honour the engagement process as to ensure proper consultation.

39. CNSC staff met with PBCN in June 2023 to discuss their concerns. PBCN raised issues with the fact that it was not included in the consultation and regulatory process from its beginning in 2019, as with other communities located near the Project Site. PBCN also raised concerns about potential impacts on water downstream from the Project Site. PBCN also shared with CNSC that it was updating a land use map within their traditional territory.

40. After PBCN's September 20, 2023 meeting with Denison, it sent a letter to CNSC with respect to further concerns with the Project on October 5, 2023, including Denison's unwillingness

¹³ PBCN's March 3, 2023 letter to CNSC is attached to these submissions at **Appendix G**

to provide capacity funding unless PBCN provided specific evidence of its specific current land use around the Project Site.¹⁴

41. In that letter, PBCN also expressed concerns about its exclusion as a Community of Interest and the lack of meaningful engagement. PBCN indicated that Denison agreed to cover the costs of PBCN representatives to travel from their communities to attend a meeting, but rejected all efforts to develop a workplan and to meaningful engage with a funding agreement. PBCN stated that Denison was taking an unreasonably narrow view of the potential impacts of the project and that Denison was unwilling to engage with PBCN unless specifically directed to do so by CNSC. Among other things, PBCN requested that CNSC add PBCN as a Community of Interest and require Denison to amend the draft Environmental Impact Statement to reflect the addition of PBCN as an Indigenous nation with an interest in the Project.

42. Moreover, PBCN identified a number of impacts, including concerns that the Project would “have a negative impact on the abundance of wildlife in the area, including fish, game and furbearers; have a negative impact on PBCN members gathering medicinal plants; increase access by non-PBCN members to our remote hunting and trapping lands; negatively impact the PBCN furblock located proximate to the Project.”

43. In November 2023, CNSC met with PBCN to discuss their concerns. CNSC told PBCN that it was important PBCN provide it with more information about its “current land and water use, territory, and rights (and other relevant information) in proximity to the proposed Project, including the PBCN fur block in proximity to the Wheeler River project site referenced in PBCN’s letter. CNSC indicated that this information and “any other specific details regarding PBCN’s rights, interest and land use” in relation to the Project will be important for CNSC to have before it is able to specifically respond to PBCN’s requests outlined in the October 5, 2023, letter.

44. On December 13, 2023, PBCN sent a letter to CNSC outlining next steps for consultation regarding the Project.¹⁵ In that letter PBCN indicated that a report by an external consultant to provide preliminary information was underway, but that this would only provide high level

¹⁴ PBCN’s October 5, 2023 letter to CNSC is attached to these submissions at **Appendix H**

¹⁵ PBCN’s December 13, 2023 letter to CNSC is attached to these submissions at **Appendix I**

information. As such, PBCN indicated that it would request again request capacity funding from Denison to retain external experts to assist PBCN in the preparation of a TLRU report.

45. In that letter, PBCN “urgently request[ed]” CNSC advise Denison to negotiation capacity funding, separate from the CNSC Participant Funding Program, to support its review, analysis and exchange of views on the project.

46. From February 2024 to September 2024, in an effort to be responsive to CNSC and the Province, PBCN worked with its consultant to interview PBCN members and develop the Firelight Memorandum. The Firelight Memorandum indicates that PBCN’s traditional territory and its members’ exercise of Aboriginal rights including harvesting, hunting and trapping overlap with the Project Site.

47. On October 4, 2024, PBCN sent CNSC a letter stating “PBCN has now identified PBCN’s traditional and current land uses in and around the Project area, as well as, the uses by PBCN members for food or cultural practices or for hunting, fishing and trapping in and around the Project area.”¹⁶

48. PBCN and CNSC met on October 29, 2024, to circulate and discuss the updated traditional territorial map. Shortly thereafter, on November 7, 2024, PBCN sent a letter to CNSC.¹⁷ In the letter, PBCN identified specific hunting, trapping, and gathering activities in and around the Project Site.

49. On February 26, 2025, PBCN met with CNSC and EASB. In that meeting, PBCN expressed interest in being included in monitoring and developing mitigation measures. PBCN was told that the Final EIS would not be changed. Neither the CNSC nor the EASB proposed amendments responded to PBCN’s stated concerns. PBCN expressed frustration that it was not included in the monitoring strategies which Denison had developed in consultation with other Indigenous groups.

50. In March 2025, CNSC technical staff met with PBCN to again request further land use information from PBCN specific to the project.

¹⁶ PBCN’s October 4, 2024 letter to CNSC is attached to these submissions at **Appendix J**

¹⁷ PBCN’s November 7, 2024 letter to CNSC is attached to these submissions at **Appendix K**

51. In April 2025, PBCN obtained an updated land use map showing substantial and direct overlap between the Project and its traditional use of the land (the “**Land Use Map**”)¹⁸ and shared the Land Use Map with CNSC.

52. PBCN advised CNSC of Denison’s unwillingness to meet in-person on May 5, 2025.¹⁹

53. On May 7, 2025, CNSC staff gave PBCN its draft Consultation report (the “**Draft Consultation Report**”). On May 29, 2025, PBCN provided its comments and edits to the Draft Consultation Report,²⁰ including: incorporating references to the actual language used in the correspondence engaged in by the parties; adding a list of activities that PBCN members engaged in around the Project Site; and clarifying points in the chronology that omitted information that PBCN shared about its Aboriginal Rights.

54. Most of PBCN’s edits with respect to the Draft Consultation Report, including the above, were not included in the final versions.²¹ In the Draft Consultation Report, CNSC merely acknowledges that the Project is located on PBCN traditional territory.

55. On May 8, 2025, CNSC sent an email to PBCN stating that while it cannot compel Denison to engage with PBCN, CNSC does heavily consider a proponent’s actions regarding Indigenous consultation and engagement when evaluating applications and making staff recommendations to the Commission and it is always the expectation of the CNSC that a proponent to be consulting and engaging in good faith.²²

56. PBCN has repeatedly and consistently conveyed its concern to CNSC regarding Denison’s position that the Project will have no potential impacts on PBCN—despite this being contradicted by all the information PBCN has provided to Denison, including the Firelight Memorandum. Of note, in its letter to PBCN dated January 22, 2025, the CNSC state that “Denison [is] expected to discuss with PBCN how their comments and concerns have been addressed.”

¹⁸ PBCN’s updated map is attached to these submissions at **Appendix L**

¹⁹ PBCN’s May 5, 2025 email to CNSC is attached to these submissions at **Appendix M**

²⁰ The document containing PBCN’s edits on the Draft Consultation Report is attached at **Appendix N**

²¹ The document comparing PBCN’s edits and the CNSC’s final version is attached at **Appendix O**

²² CNSC’s May 8, 2025 email to PBCN is attached to these submissions at **Appendix P**

57. On May 16, 2025, PBCN sent another letter to CNSC, attaching an updated traditional land use map.²³ The letter also summarized the consultation that PBCN had with CNSC to date, and explained the reasons why PBCN found the consultation to be deficient.

58. PBCN proposed mitigation measures to specifically address its concerns about impacts of the project on animals, fish, and the broader ecosystem that include:

- a. establishing downstream water quality monitoring stations at three PBCN reserves;
- b. animal tissue sampling; and
- c. involving PBCN in caribou mitigation and spill notification.

59. Following this letter, CNSC shared a draft of the EA Report with PBCN for comment (the “Draft EA Report”). The Draft EA Report did not include any of PBCN’s requested mitigation measures and did not explain why CNSC staff had decided they would not be included.

60. On May 29, 2025, PBCN shared with CNSC its draft comments with respect to the Draft EA Report, which reiterated its request for the mitigation measures it had already proposed to CNSC and Denison.

61. On August 2025, the CNSC released the Final EA Report. The Final EA Report does not include in its list of follow-up program measures and mitigations the measures requested by PBCN. In some instances, the fact that PBCN requested the measures is summarized, but no explanation is given of why they were rejected. None of PBCN’s concerns were addressed in the “Summary of Mitigation and Commitments related Views Expressed” section of the document that explained the choice of mitigation measures requested by other Indigenous nations.

G. Project Impacts On PBCN Rights

62. PBCN has expressed a range of potential impacts the Project may have to its Aboriginal and treaty rights. These concerns are summarized in PBCN’s comments in the Draft Report at **Appendix N**.

²³ PBCN’s May 16, 2025 letter to the CNSC is attached to these submissions at **Appendix Q**

63. For example, PBCN's reserves at Kinoosao, Southend and Sandy Bay are all located downstream from the Project and from Whitefish Lake. As documented in the Final EA Report, the operation of the project will involve the discharge of effluent into Whitefish Lake, with expected impacts on fish and another aquatic ecosystems.²⁴

64. Any discharge of contaminants in the effluent and into the waterways would directly affect PBCN members fishing and consuming fish, including the grayling, walleye, lake trout and northern pike. PBCN members rely on country foods such as fish for sustenance.²⁵

65. Moreover, PBCN is concerned about the contamination of vegetation and soil in and around the Project Area, where its members hunt, harvest, trap and gather. These activities include, but are not limited to: gathering medicinal plants; hunting moose and caribou; harvesting duck, mallard and geese; trapping lynx; harvesting chaga and rat root; and using the Project Area as a teaching area and for food storage. Any potential contamination from the Project could result in the bioaccumulation of contaminants in animal tissue and medicinal plants.

66. The approval of the Project will impact the cultural and economic security of PBCN members because of the risk it creates, even if it is managed. PBCN's experience on other natural resource development projects is that 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. PBCN has stated that ongoing monitoring is critical to establish a scientific baseline of contaminants in traditional foods and build the confidence of PBCN members to continue to exercise their Aboriginal rights.²⁶

67. Finally, PBCN has shared concerns about the Project's potential adverse impacts on human health, including exposure to selenium and other contaminants of potential concern.

²⁴ Final EA Report, p. 32

²⁵ Final EA Report, p. 143

²⁶ Final EA Report, p. 143

H. Mitigation Measures Proposed by PBCN

68. PBCN has requested a number of mitigation measures that it wishes to participate in with respect to the Project. Again, a summary of these proposed measures can be found in PBCN's draft comments in the Draft EA Report at **Appendix N**.

69. For example, PBCN has requested that stringent guidelines for downstream water quality must be added as conditions to any environmental regulatory approval. PBCN has requested that water quality monitoring stations be set up at Kinoosao, Southend, and Sandy Bay to ensure accurate data is collected and that groundwater protection and monitoring plans will extend to those water monitoring stations. PBCN also wishes to co-develop a water monitoring program downstream of Whitefish Lake.

70. PBCN has requested the establishment of a comprehensive tissue sampling program to monitor contaminations downstream of the Project Site. The sampling program would focus on fish tissue sampling, mammal tissue sampling and bioaccumulation in plants and fungus.

71. PBCN has also asked to participate in the environmental committee overseeing this project, in addition to the "Best Available Technology Economically Achievable" study.

72. PBCN requested an opportunity to review and comment on all caribou mitigation and offsetting plans to ensure the disruption to the exercise of PBCN's Aboriginal rights to hunt caribou is minimized.

73. In addition, PBCN requested to be kept informed of any spills and be included in all spill contingency planning and responses.

PART III. ISSUES

74. In this hearing, the Commission is deciding on whether to issue a license under s. 24 of the *NSCA* and a decision under the *CEAA 2012* on the basis of the materials before it. In doing so, the Commission is making four key decisions to which PBCN's submissions are relevant:

- a. Would issuing the Approvals cause CNSC to breach its duty to consult with PBCN, and its associated obligations under s. 35(1) of the *Constitution Act, 1982*?

- b. Are the materials before CNSC sufficient to satisfy the statutory requirements of s. 24 of the *NSCA*, such that the License may be issued?
- c. Would issuing the Approvals cause CNSC to breach its international law obligations under UNDRIP?
- d. Are the materials before CNSC sufficient to support a decision being made under the *CEAA 2012* that the project will not cause significant adverse environmental effects?

75. In PBCN's respectful submission, all of these questions should be answered in the negative. The proponent and CNSC staff's unfortunate refusal to meaningfully engage with PBCN and consequent exclusion of PBCN's perspective and knowledge from the record means that the Approvals cannot be issued without violating CSNC's constitutional, international, and statutory obligations.

PART IV. DISCUSSION

A. The Crown's Duty to Consult PBCN Has Not Been Satisfied

76. The Crown has a duty to engage in deep consultation with PBCN in relation to this project: PBCN members have rights throughout the Project Site and surrounding area, and the Project has the deeply concerning potential to prevent PBCN members from exercising those rights.

77. However, the consultation with PBCN conducted by Denison and CNSC staff in relation to the Project has been wholly inadequate. After initially failing to inform PBCN of the project, Denison and CNSC staff then engaged in only cursory discussions of the project with PBCN, culminating in them failing to respond to or address any of PBCN's concerns in both the Final EIS and Final EA Report.

i. CNSC Has a Duty to Engage in Deep Consultation with PBCN on the Project

78. The extent of the Crown's duty to consult falls along a spectrum, changing with the circumstances of the contemplated Crown action.²⁷ Here, the significance of the decisions being

²⁷ [*Haida Nation*](#), 2004 SCC 73, [paras. 39-43](#)

made mean that this duty is significant in the circumstances, requiring a deep and particularly meaningful level of consultation.

79. The contemplated Project is a large multi-phased mine with the potential for not just contamination of the land and resources relied on by PBCN, but for the particularly devastating health effects of radiation if the extraction is not carefully monitored and controlled.

80. As PBCN set out in its correspondence with CNSC staff and Denison, there is strong evidence to support PBCN's rights to hunt, fish, and harvest in the area in question, and those practices are deeply important to the Cree members of PBCN. This is a case, as described in *Haida*, where "the right and potential infringement is of high significance to the Aboriginal peoples, and the risk of non-compensable damage is high."²⁸

81. Further, in addition to creating international law obligations on the Crown, the adoption of UNDRIP into Canadian law gives rise to an enhanced obligation to consult in Canadian constitutional law.²⁹ UNDRIP is an additional contextual layer which informs the scope of the Crown's consultation obligations in these circumstances.³⁰

82. Article 26 of UNDRIP states that Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. Article 29(2) provides that "no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent." If a project falls within the scope of Article 29(2), there is a heightened emphasis on the need for a deep level of consultation and negotiations geared toward a mutually accepted arrangement. In *Kebaowek*, for example, the Federal Court found that a proposed near surface disposal facility for radioactive waste to be constructed on the Kebaowek's traditional territory "approximately 150 kilometers straight from Kebaowek's reserve lands" clearly fell within the scope of Article 29(2) and as such required a robust process of consultation: para. 130.³¹

²⁸ *Haida Nation*, 2004 SCC 73, [para. 44](#)

²⁹ *Kebaowek First Nation v. Canadian Nuclear Laboratories*, 2025 FC 319, [paras. 124-125](#) [*Kebaowek*]

³⁰ *Kebaowek*, [para. 129](#)

³¹ *Kebaowek*, [para. 130](#).

ii. The Duty to Consult Has Not Been Met In This Case

83. As the Project now approaches its licensing phase, CNSC's flawed approach to engaging PBCN has compounded into an outcome where PBCN's active engagement has been met with a fundamentally deficient response, and the materials before CNSC lack the input of PBCN.

a. The EIS Lacks PBCN Input And Cannot Be Relied On

84. The courts have repeatedly emphasized the importance of timely and meaningful consultation.³² In [Mikisew Cree](#), the Supreme Court of Canada, citing *Halfway River First Nation*, addressed the interplay between timely engagement and meaningful consultation as follows:

The Crown's duty to consult imposes on it a positive obligation to reasonably ensure that aboriginal peoples are provided with all necessary information in a timely way so that they have an opportunity to express their interests and concerns, and to ensure that their representations are seriously considered and, wherever possible, demonstrably integrated into the proposed plan of action.³³

85. The development of the Denison EIS and associated materials reflects a process in which PBCN representations were not considered, let alone integrated into the statement. The Final EIS is completely lacking in meaningful input from PBCN. As the Final EA Report explicitly states, "[t]he mitigation measures set out in the EIS were developed prior to PBCN expressing interest on the Project and as previously noted, do not incorporate any Indigenous or community knowledge provided by PBCN".³⁴

86. The reason for PBCN's exclusion from the development of the EIS measures is not entirely clear. However, what is clear is that this exclusion is not justified.

87. The only reasoning PBCN has been provided to suggest it is not owed a duty to consult at the high end of the spectrum is Denison's flawed assertion that PBCN was required to collect and provide granular detail on all of its members' current uses of the territory in order for Denison to meaningfully deal with it. Denison's position is flawed for two reasons. First, and importantly, the

³² See for example, [The Squamish Nation et al v. The Minister of Sustainable Resource Management et al](#), 2004 BCSC 1320, at [para. 74](#); [Sambaa K'e Dene First Nation v. Duncan](#), 2012 FC 204, [para. 165](#)

³³ [Mikisew Cree](#), [para. 64](#)

³⁴ Final EA Report, p. 233

duty to consult is not grounded in the frequency with which members of a nation currently exercise their rights, but the scope of Aboriginal rights held by members of a s. 35 collective.³⁵

88. Second, Denison's position fails to account for the fact that PBCN did provide evidence of its members' current exercise of their rights near the project site, in meetings, letters, and the Firelight Memorandum. Denison had significant evidence before it to show current use of resources that stood to be affected by the Project. There is no excuse in the circumstances for a meaningful consultation to be refused.

89. The EIS does not provide this Commission the information it needs to make an informed decision on the Approvals. No Approvals should be issued without a proper EIS being prepared with consideration of the concerns of PBCN.

b. The Final EA Report Lacks PBCN Input And Cannot Be Relied On

90. The Final EA Report similarly fails to give meaningful regard to PBCN, reflecting a fundamental failure of the Crown's duty to listen and engage with its treaty partner PBCN.

91. The Final EA Report does not substantively engage with any of the PBCN mitigation requests. Following PBCN's comments on the draft report, the Final EA Report included some summaries of the input provided by PBCN, including reference to the mitigation measure it requested. However, none of these mitigation measures were recommended in the Final EA Report. It is thoroughly unclear to PBCN or any other reader of the report why these measures are not suggested as requirements for the Project to obtain the Approvals.

92. It is clear from the face of the report that PBCN's submissions were not "seriously considered" by CNSC staff. Indeed, the report suggests the submissions were not considered at all. This is a plain and obvious breach of the Crown's duty to deal honourably and fairly with PBCN, and an honourable decision cannot be made on the basis of these materials.

³⁵ The assertion of an Aboriginal rights claim is based on historic use, not current use. What is needed is evidence showing the asserted right stems from a practice that was integral to the Aboriginal people's distinctive society at the time of first contact. Continuity of the historic practice is not part of the test for an Aboriginal right: see [R. v. Desautel, 2021 SCC 17, para. 63](#). While the *CEAA 2012*, s. 5 does weigh current use of lands as part of an analysis of environmental effects, this statutory language does not alter the duty to consult required or when it is triggered.

c. Denison and CNSC delayed engaging with PBCN

93. The failure to engage in consultation with PBCN early enough in the regulatory approval phases resulted in a perfunctory form of engagement that was unresponsive to PBCN's asserted concerns and mitigation measures.

94. The CNSC engaged with other Indigenous groups in respect of the Project since at least 2016, yet its first meeting with PBCN occurred in June 2023. Even by an estimation of distance between residential communities and the Project Site, which is plainly not a direct measure of impact on Aboriginal rights, PBCN reserves are physically closer than some of these communities. For example, CNSC engaged the Métis Local #82 of Patuanak as early as 2019 and included this group in the "Indigenous and Local Knowledge" part of the Final EIS. Patuanak is located 40 km further from the Project than the PBCN reserve of Southend.

95. This belated engagement resulted in a process wherein critical information about the PBCN's Aboriginal rights and the impact of the Project on those rights has not been meaningfully considered, much less integrated, with respect to the plan of action for the Project.

96. Moreover, instead of listening to and responding to PBCN's concerns about the adverse impacts of the Project, CNSC unduly focused on having PBCN prove its Aboriginal rights in the Project Area, which has deferred its engagement – instead of compensating for lost time. A claim which triggers the duty to consult need not be proven in court or be definitively established; it can be asserted.³⁶ The duty to consult is reciprocal – PBCN defined the elements of its claim to the CNSC in multiple instances – nonetheless, CNSC continued to request further information from PBCN on its land use in the Project Area without meaningfully considering its asserted rights.

B. The Requirements of the NSCA Have Not Been Satisfied

97. The NSCA is designed to ensure a high level of environmental protection is in place, including protections shaped by Indigenous engagement and Indigenous knowledge, before the construction of a nuclear facility is authorized at law.

³⁶ *Haida Nation*, [paras. 36-37](#)

98. The stringent requirements of the *NSCA* are illustrated by s. 24(4) of the statute, which only permits CNSC to issue a license where it is satisfied that the applicant:

(b) will, in carrying on that activity, 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.

99. Here, the failures in the consultation process set out above mean CNSC cannot be satisfied the mitigation measures proposed in the Final EA Report or Final EIS make adequate provision for the protection of the environment or the health and safety of the members of PBCN. Having failed to respond to PBCN's comments, the CNSC has failed to meet this requirement of the *NSCA*.

100. Further, the *NSCA* requires the Commission to be satisfied that "measures required to implement international obligations to which Canada has agreed" are in place before a s. 24(1) license is issued.

101. As set out further below, the failure to engage with PBCN is a breach of Canada's international obligations under UNDRIP, which has been incorporated into Canadian law through the *United Nations Declaration on the Rights of Indigenous Peoples Act*, S.C. 2021, c. 14.³⁷ As well as providing an international law basis on which the Approvals cannot be granted, the incorporation of Canada's international obligations into s. 24(4) means that the Approvals cannot be granted under the *NSCA* as well.

C. The Crown's International Law Obligations Have Not Been Satisfied

102. In ratifying UNDRIP and incorporating it into Canadian law, Canada agreed it would respect certain rights inherent to Indigenous peoples. This agreement is a constraint on the Commission's decision-making authority, and means CNSC should not issue the Approvals unless it is satisfied UNDRIP has been respected in this case.

103. Among the articles of UNDRIP relevant to this proceeding is Article 29, which provides:

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.

³⁷ Kebaowek, [para. 99](#)

States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

104. PBCN's desire is to have measures it has developed be implemented in any approval granted that will affect its traditional territory—particularly approvals pertaining to the extraction and processing of hazardous material. As specified in Article 29(3), Canada has committed to recognizing PBCN's right to this development and implementation. To approve this project where PBCN has not done this would not comply with Article 29(3) of UNDRIP.

D. The Requirements of the *CEAA 2012* Have Not Been Satisfied

105. The *CEAA 2012*, s. 5(1) requires that, in issuing project approvals, decision-makers take into account the factors set out in s. 19(1), which include:

19 (1) The environmental assessment of a designated project must take into account the following factors:

(a) the environmental effects of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;

(b) the significance of the effects referred to in paragraph (a);

...

(d) mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project;

(e) the requirements of the follow-up program in respect of the designated project;

...

106. In this case, CNSC's failure to engage in a dialogue with PBCN to discuss its proposed mitigation measures and address them in its Final EA Report means the Commission does not have the information before it required to understand if the mitigation measures proposed would

mitigate any significant adverse environmental effects, or if PBCN correctly identified that they are not sufficient. Absent this information, the Commission cannot properly make a decision as to whether the project will have significant adverse environmental effects.

PART V. CONCLUSION AND ORDER REQUESTED

107. CNSC has not fulfilled its duty to consult PBCN with respect to this Project. Further, PBCN's vital input has not been responded to or included in the Final EA Report or EIS. The Crown has breached its duty to consult PBCN, and the record before this Commission is inadequate, meaning the requirements of s. 24(4)(b) of the *NSCA* have not been met. Issuing a license in these circumstances would breach both statutory and constitutional requirements.

108. The inadequacy of the materials before the Commission also means the Commission cannot be satisfied the project will not cause significant adverse environmental effects, as required under the *CEAA 2012*.

109. PBCN submits the appropriate decisions for the Commission are that:

- a. No license be granted under s. 24 of the *NSCA* to move forward with the project, in circumstances where PBCN has not been meaningfully consulted; and
- b. No decision be made under the *CEAA 2012* that the project will not cause significant adverse environmental effects.

110. In the alternative, PBCN submits that the Commission should grant the license under s. 24 of the *NSCA* subject to the following conditions:

- a. Denison will establish water quality monitoring stations at the Kinoosao, Southend, and Sandy Bay reserves;
- b. Denison will co-develop with PBCN a water monitoring program to monitor groundwater quality downstream of Whitefish Lake;
- c. Denison will co-develop with PBCN comprehensive tissue sampling program to monitor bioaccumulation of hazardous chemicals in fish, mammals, plants and fungus;

- d. PBCN will participate in the environmental committee overseeing the Wheeler River Project;
- e. PBCN will participate in the Best Available Technology Economically Available Study;
- f. PBCN will have an opportunity to review and comment on all caribou mitigation and offsetting plans;
- g. Denison will amend its EIS to include the concerns with the Project identified by PBCN; and
- h. CNSC and Denison will develop a strategic engagement framework with PBCN and continue to engage PBCN as a formal “Indigenous Community of Interest” with respect to the Project in accordance with that term as defined in its EIS.

111. PBCN requests time for oral submissions before the Commission.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated: 24 Oct 2025



Signature of lawyer for Peter Ballantyne Cree Nation
David W. Wu



PETER BALLANTYNE CREE NATION

Chief Joseph Custer Reserve - 2300 - 10th Avenue West
P.O. Box 2320, Prince Albert, Saskatchewan, Canada S6V 6Z1
Phone: (306) 765-5388 · Fax: (306) 922-1450



October 5, 2023

Ms. Carolanne Inglis-McQuay,
Director, Corporate Social Responsibility
Denison Mines Corp.
345 4th Avenue South
Saskatoon, SK, Canada, S7K 1N3

Re: September 20 Meeting with Peter Ballantyne Cree Nation (PBCN) and Follow-up

PBCN appreciated the opportunity to meet and learn about Denison Mines (Denison) and its Wheeler River Project (Project). All of the PBCN Lands and Resources Committee (LRC Committee or Committee) members traveled a considerable distance to attend the meeting. They did so because this was an important opportunity to meet with Denison in person and they wanted to deepen their understanding of the Project. The Projects overview provided by Kevin Himbeault was particularly helpful to the LRC Committee.

As you know, this meeting was the first time that the Committee received an overview on the Wheeler River Project directly from Denison, and had an opportunity to ask questions and engage in a two-way dialogue with the Wheeler River Project team. Undoubtedly the perspectives you heard expressed by the various Committee members demonstrates how PBCN's identity and perception of community wellness are inextricably linked to the natural environment; this includes the ability of PBCN members to exercise their treaty and aboriginal rights to meet their current needs while ensuring the needs of future generations will also be met, and PBCN's inherent governance over its lands, resources, water and air.

It is unfortunate that Denison did not fully and properly develop its understanding of the extent of PBCN's traditional territory and aboriginal interests in the Wheeler River Project area. PBCN was surprised that it was not included in the list of potentially impacted indigenous nations provided by the provincial and federal governments. It is our understanding that this may be due, in part, to regulatory reliance on lists of previously active indigenous nation engagement from past mining projects in Northern Saskatchewan. However, given that the Project is within PBCN traditional territory and will have potential environmental and socio-economic impacts, it is clear to the Committee that there may be impacts to PBCN's aboriginal and treaty rights and interests.

Accordingly, PBCN has contacted both the federal and provincial regulators to explain PBCN's treaty and aboriginal rights potentially impacted by the Project and notified the Crown that any Crown environmental assessment or Wheeler River Project decision must be done in a manner so as to reconcile the exercise of treaty and aboriginal rights by PBCN members. As the Committee expressed on September 20, 2023, PBCN lacks both the human resources capacity in its Lands and Resources Department and the financial capacity to retain advice and analysis to sufficiently understand the

Project and its impacts to PBCN treaty and aboriginal rights. PBCN appreciates Denison's willingness to meet with the Committee and pay for the onetime costs associated with attending the September meeting, however that does not constitute meaningful engagement that will support PBCN's informed review of the Wheeler River Project.

PBCN is confident that the federal and provincial regulators will rectify the initial exclusion of PBCN from the list of indigenous communities that would be engaged by Denison, and that Denison will commence meaningful consultation with PBCN, supported by capacity funding on a cost recovery basis. In the interim, PBCN appreciates Denison providing additional Project materials. We look forward to working with Denison in a spirit of mutual respect to collectively identify means to avoid, mitigate or otherwise address potential negative impacts of the Project on PBCN territory and the exercise of its Indigenous and treaty rights.

Sincerely,



Ben Merasty,

Executive Director

c.c. Ted Merasty, Director of Lands and Resources PBCN

Patricia McCunn-Miller, President Blue Bridge Energy Ltd

Ben Merasty, Executive Director
Peter Ballantyne Cree Nation
Chief Joseph Custer Reserve
2300 – 10th Avenue
PO Box 2320
Prince Albert, SK S6V 6Z1

November 22, 2023

Re: Engagement between Denison Mines Corp. and Peter Ballantyne Cree Nation in respect of the Wheeler River Project

Dear Mr. Merasty,

We write in response to your letter dated October 5, 2023 (received by our offices on October 20, 2023) and the recent engagement between Denison Mines Corp. (Denison) and Peter Ballantyne Cree Nation (PBCN) in respect of the Wheeler River Project (the Project).

We are pleased to learn we share a positive view of our recent meeting on September 20, 2023. That meeting provided an important opportunity for PBCN and Denison to meet in person and to better understand one another and the Project. As I noted in my email of October 10, 2023, Denison heard a number of questions from PBCN regarding the location and footprint of the Project site, water use and potential impacts, and monitoring results. It also provided Denison an opportunity to better understand how PBCN's Lands and Resources Committee supports the nation's participation in project development, and the Committee's interest in developing a workplan and/or engagement agreement. We note that our discussions to date have not been focused on these approaches, but Denison has not refused to discuss them.

We understand that PBCN continues to be concerned that it has not been identified as an Indigenous Community of Interest in respect of the Project. By way of background, Denison has been the operator of the Wheeler River property since 2004, and its predecessors have been in the area since the 1980s. Denison followed a systematic and comprehensive process to identify Indigenous communities who may be impacted by the Project, informed by a wide variety of information, such as the wildlife and fur block management administration areas, existing traditional land use information (particularly information made available through the Key Lake and McArthur River public review processes), access restrictions on Highway 914 north of Key Lake, anticipated impacts to water, anticipated transportation routes, and publicly available descriptions of Indigenous Nations' traditional territories, including that of PBCN. Our approach was further informed by our discussions with those Indigenous Nations with the potential to be adversely by Project activities, as well as Indigenous organizations in the region, and supported by information from and interactions with representatives of the Saskatchewan Ministry of Environment (MOE) and Canadian Nuclear Safety Commission (CNSC).

This approach ensures consideration of potential impacts beyond the Project site, where appropriate. All of this information, along with our long experience in the region, has informed our approach, confirmed by both regulators, to identifying Indigenous communities to whom a level of deep consultation or engagement is owed. However, this does not preclude, nor has it precluded, Denison from engaging and sharing information where requested.

Denison remains committed to conducting meaningful engagement with Indigenous communities potentially affected by the Project and to understanding how the proposed development of the Project may affect the ability of Indigenous peoples to exercise collective Indigenous and Treaty Rights. We believe that consultation and engagement is an iterative, two-way process, such that as we learn about the Project, its potential impacts, and the interests of Indigenous peoples in the region, we will continue to tailor our approach to engagement. It is in this spirit that we have continued to engage with PBCN to better understand the Nation's interests and land uses in the vicinity of the Project, and offered to reimburse PBCN for its costs incurred in attending the September meeting.

The only information which Denison has received from PBCN regarding PBCN's interests in the Project includes the recently updated draft traditional territory map, which shows the Project on the edge of PBCN's traditional territory. We understood that Ted Merasty, Director of Lands and Resources, was going to provide further information regarding PBCN's traditional land use in the Project area during our previous meeting, but was unable to attend due to illness.

Denison is ready and willing to continue these discussions with PBCN. We would be pleased to arrange another meeting to receive further information regarding PBCN's interests in the Project area, and to provide further information and answer questions regarding the Project. We remain committed to engaging in a spirit of mutual respect in accordance with our Indigenous Peoples Policy. We confirm we have and will continue to follow directions from regulators regarding consultation and engagement.

Following the September meeting, we provided PBCN with information in response to the comments submitted by PBCN on the Project's draft Environmental Impact Statement to CNSC. If PBCN has questions about that information, or the Project more generally, we would appreciate receiving those questions in advance of our next meeting so that we can ensure appropriate Denison representatives are available to participate. In light of timing constraints, we would propose our next meeting be virtual at a mutually acceptable time. We remain interested in learning more about the potential for the Project to potentially impact PBCN land uses and rights and/or PBCN's interests in the Project area, and look forward to working with you further.

Yours truly,



Carolanne Inglis-McQuay
Director, Corporate Social Responsibility



PETER BALLANTYNE CREE NATION

Chief Joseph Custer Reserve - 2300 - 10th Avenue West
P.O. Box 2320, Prince Albert, Saskatchewan, Canada S6V 6Z1
Phone: (306) 765-5388 • Fax: (306) 922-1450



December 13, 2023

Ms. Carolanne Inglis-McQuay,
Director, Corporate Social Responsibility
Denison Mines Corp.
345 4th Avenue South
Saskatoon, SK, Canada, S7K 1N3

Re: Denison Mines Corp.'s (Denison) November 22, 2023 Letter

We write in response to your letter dated November 22, 2023 in respect of the Wheeler River Project (the Project) proposed by Denison. More particularly, we write to request capacity funding, on a cost-recovery basis, to support PBCN's engagement with Denison on the Project and to complete a PBCN-specific traditional land and resources uses (TLRU) study and report for the Project.

We propose that the capacity funding be phased and the TLRU be in the initial focus. We are confident that the TLRU will assist both Denison and the regulators in fully understanding the impacts of your Project on PBCN treaty and Aboriginal rights. Once Denison has the TLRU, we could jointly create a workplan to underpin a capacity funding agreement to better understand the specific impacts on the PBCN treaty and Aboriginal rights specifically identified and outlined in the TLRU.

As noted in your letter, Denison is committed to meaningfully engage with PBCN in respect of the Project, but requires more information from PBCN regarding its rights and interests that could be impacted by the Project. However, Denison offering to continue engaging with PBCN, but not providing capacity funding to equip PBCN to meaningfully engage with Denison, is a hollow offer.

During our September 2023 meeting, members of our Land and Resources Committee shared with Denison personal stories regarding their, and their families', uses in and around the Project area. This information was shared in light of PBCN's exclusion from the initial consultation list and to demonstrate PBCN's concerns regarding the potential impacts of the Project on PBCN's Aboriginal and treaty rights and interests. During that meeting, and in our subsequent correspondence, PBCN highlighted that given our concerns, PBCN wishes to fully and meaningfully participate in the assessment for the Project but that it had limited resources to do so.

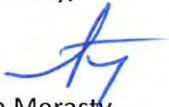
In our view, Denison does not have sufficient information to assess, and make a determination on, the potential impacts of its proposed Project on PBCN's Aboriginal and treaty rights and interests in and around the Project area. PBCN is more than willing to collect and provide such information to Denison and undertake meaningful consultation with Denison, however, it requires capacity funding to, among other things, retain external experts to complete the required TLRU and to fully participate in the assessment and consultation process for the Project.

As raised in our letter dated October 5, 2023, PBCN has had discussions with the federal and provincial regulators regarding PBCN's exclusion from the list of potentially impacted Indigenous nations for the Project. The CNSC has acknowledged that it is engaging with PBCN as a community of interest in order to learn more about the potential impacts from the proposed Project. These discussions between the regulators and PBCN are ongoing.

As noted above, we respectfully request that PBCN and Denison commence discussions regarding capacity funding to support meaningful consultation on the Project, including the completion of a PBCN-specific TLRU for the Project. Without this information, Denison cannot meaningfully come to a conclusion that the Project will not impact PBCN's rights and interests. Without capacity funding, PBCN cannot provide complete and accurate information to Denison and meaningfully participate in the assessment and consultation process regarding the Project.

We look forward to working with Denison in a spirit of mutual respect to collectively identify means to avoid, mitigate or otherwise address potential negative impacts of the Project on PBCN territory and the exercise of its Aboriginal and treaty rights.

Sincerely,



Ben Merasty,

Executive Director

c.c. Ted Merasty, Director of Lands and Resources PBCN
Patricia McCunn-Miller, President Blue Bridge Energy Ltd
Chani Campbell, Aldridge + Rosling LLP
Brienne Paulin, Aldridge + Rosling LLP
Nana Kwamena, Director, Environmental Review Division
Jes Way, Environmental Assessment Officer, Canadian Nuclear Safety Commission
Jeff Dereniwski, Senior Environmental Assessment Officer, Ministry of Environment
Ken Scott, Senior Environmental Assessment Officer, Ministry of Environment

Ben Merasty, Executive Director
Peter Ballantyne Cree Nation
Chief Joseph Custer Reserve
2300 – 10th Avenue
PO Box 2320
Prince Albert, SK S6V 6Z1

January 10, 2024

Re: Peter Ballantyne Cree Nation request for funding to support a traditional land and resource uses study and report

Dear Mr. Merasty,

We write in response to your letter dated December 13, 2023, and the ongoing engagement between Denison Mines Corp. (Denison) and Peter Ballantyne Cree Nation (PBCN) in respect of the Wheeler River Project (the Project).

We are pleased to learn that PBCN remains interested in continued engagement with Denison in respect of the Project. Denison looks forward to advancing our understanding of PBCN's history and traditional activities.

In order to place our response in context, we have provided an overview of the history of engagement between Denison and PBCN and address the two key concerns raised by PBCN in respect of the Project (potential for impacts to water and cumulative effects). We then respond to PBCN's request for further funding to support additional engagement.

History of Engagement between Denison and PBCN

As noted in our recent correspondence, Denison followed a systematic and comprehensive process to identify Indigenous communities who may be impacted by the Project, informed by a wide variety of information, of which both the outcome and the process were confirmed by both regulators¹. PBCN was not identified as an Indigenous community with interests that overlapped with the Project area.

However, this conclusion has not precluded Denison from engaging and sharing information with PBCN. To date, Denison has received general information from PBCN, but details as to how the Project may impact PBCN's treaty and Aboriginal rights has not been provided by PBCN. Denison's approach to engagement is based on the general information received and outlined below.

¹ See Denison Mines Corp. Wheeler River Project Indigenous Engagement Report dated October 2022. Available online: <https://iaac-aec.gc.ca/050/documents/p80178/146278E.pdf>.

On March 6, 2023, PBCN provided Denison with a copy of the comments PBCN submitted on the Project's Draft Environmental Impact Assessment (EIS).²

On May 16, 2023, PBCN and Denison had a virtual meeting to discuss the Project. Denison provided an overview of the Project, and it was agreed that a future meeting would be appropriate to discuss information about PBCN's land use and activities in and around the Project. Following that meeting, Denison emailed PBCN a meeting summary, a copy of the presentation, and other information regarding the Project and requested PBCN provide available information on PBCN's traditional and current land use in the Project area.

On May 24, 2023, Denison received access to PBCN's updated traditional territory map.

On June 30, 2023, Denison sent PBCN an email following up on earlier discussions regarding a further meeting between Denison and PBCN that would include a presentation by Denison in response to PBCN's comments on the Draft EIS, along with PBCN providing an overview of the Nation's land use in the Project area. Denison also requested PBCN share any information regarding traditional and current land use in the Project area so that Denison could prepare for a more detailed discussion. An agenda was agreed upon and a meeting scheduled for early August 2023. That meeting was rescheduled to September 2023.

On September 20, 2023, Denison and PBCN met in person in Saskatoon. The meeting provided an opportunity for PBCN and Denison to meet in person and to better understand one another and the Project. Denison provided an overview of the Project to attendees and heard a number of questions from PBCN regarding the location and footprint of the Project site, water use and potential impacts, and monitoring results. The meeting also provided Denison an opportunity to better understand how PBCN's Lands and Resources Committee supports the nation's participation in project development.

PBCN had advised Denison that it would be providing information about specific PBCN land uses in and around the Project itself to facilitate a better understanding of the potential for adverse impacts to PBCN interests and rights, during the September meeting. The agenda included "PBCN lands and uses in the Project area." Denison understood that Ted Merasty had and would be sharing this information but was unable to attend the meeting due to illness. Denison has not received further information from him or PBCN.

On October 10, 2023, Denison sent PBCN an email following up on the September meeting. The email included meeting notes, further details regarding the location and footprint of the Project site, a copy of the slides that were presented during the meeting, including information slides which Denison had developed responding to PBCN's comments on the Draft EIS.

The additional information slides described the Environmental Assessment and how Project design and management will mitigate the environmental concerns raised by PBCN in their March 2023

² <https://iaac-aec.gc.ca/050/documents/p80178/145552E.pdf>

submission to the CNSC on the Draft EIS. The information was not covered during the meeting due to timing constraints. From Denison's perspective, none of the comments submitted by PBCN on the Draft EIS raise specific concerns about how the Project would impact PBCN rights or indicated how the Project may affect specific PBCN activities within the Project footprint or within the area of potential influence of the Project. Nonetheless, Denison had prepared the presentation to address PBCN's expressed concerns.

The email reiterated Denison's interest in learning more about the potential for the Project to impact PBCN land uses and rights and/or PBCN's interests in the Project area.

On October 20, 2023, PBCN sent a letter to Denison regarding the positive progress made at the September meeting. PBCN expressed disappointment that PBCN had not been included in the list of potentially impacted Indigenous nations for the Project and advised that it had contacted federal and provincial regulators to share PBCN's perspective on Treaty and Aboriginal rights potentially impacted by the Project.

On November 22, 2023, Denison sent a responding letter to PBCN, describing Denison's approach to engagement on the Project to date and its continued commitment to conduct meaningful engagement with Indigenous communities affected by the Project. Denison reiterated its request for further information regarding PBCN's interest in the Project area and requested a further meeting to facilitate this discussion.

On December 13, 2023, PBCN sent Denison a letter requesting capacity funding on a cost-recovery basis to support PBCN's engagement with Denison and to complete a PBCN-specific traditional land and resources use study and report for the Project.

Denison Response to PBCN Concerns regarding Potential Water Contamination

At the September 20, 2023 meeting, PBCN members shared a number of stories regarding PBCN's traditional activities in and around Reindeer Lake and in proximity to Southend, SK – with a particular emphasis on concerns related to potential contamination of water in this area of importance to PBCN. Following the meeting, Denison provided specific information to PBCN highlighting the outcomes of our environmental assessment of the potential for effects on water. For completeness, that response is provided again as an attachment to this letter.

To summarize, a comprehensive predictive assessment of potential water quality effects that may be associated with all phases of the Project, as well as cumulative effects, has been undertaken and is documented in Section 8 of the Draft Environmental Impact Assessment (EIS).³ The assessment considered all means by which the Project could interact with the aquatic environment (and the water quality Valued Component or 'VC' specifically) and the potential spatial extent of such interactions, so that cumulative effects could be considered.

³ <https://iaac-aec.gc.ca/050/documents/p80178/145552E.pdf>

With respect to potential Project-related effects, the assessment concluded that during periods of treated effluent discharge, the concentrations of all constituents modeled would be below the respective objectives/guidelines for the protection of aquatic life (i.e., the most sensitive life stage of the most sensitive species) at the outlet of Whitefish Lake. As discussed at the meeting, Whitefish Lake is adjacent to the proposed Project footprint and is the lake into which treated effluent is proposed to be discharged.

The Reindeer Lake area (Southend) is located approximately 900 km downstream of the Project site and is considered well beyond the area of potential influence associated with the Project. This is why the Reindeer Lake area was not formally included as part of the Project-related water quality assessment.

Denison Response to PBCN Concerns regarding Cumulative Effects

At the September meeting, PBCN members also described concerns regarding other mining operations near Wollaston Lake. Based on our discussion, we understood PBCN to be referring to the Rabbit Lake Operation and the McClean Lake Operation.

As noted above, the environmental assessment of the Project has fully considered the potential cumulative effects that could result from the Project interacting with other ongoing activities (and/or activities that are reasonably foreseeable), including potential cumulative effects on water quality. The environmental assessment predicted no cumulative effects from downstream activities (e.g., additive or synergistic effects) and predicted that any influence of the Project on water quality would be localized to the Iceland River drainage system.

As part of this assessment, the Cameco Key Lake Operation was considered an activity with a potential credible connection to the Project within the context of cumulative effects given its proximity (~35 km upstream in the Wheeler River drainage). Neither the Rabbit Lake nor the McClean Lake operations were seen as credibly connected to the Project given the lack of spatial overlap of potential influence. These two operations are approximately 200 km downstream of the Project site.

Third Party Monitoring of Cumulative Effects in the Athabasca Region

In the spirit of sharing information with PBCN that may provide helpful context in relation to PBCN's concern regarding cumulative effects, we note that water quality monitoring is ongoing for existing uranium operations in the Athabasca region.

The Canadian Nuclear Safety Commission's Independent Environmental Monitoring Program (IEMP) undertook monitoring in relation to the Rabbit Lake Operation in 2022 and in relation to the McClean Lake Operation in 2016. The results of this monitoring (including in relation to water

quality) are available online.⁴ The outcomes of both IEMP campaigns found that people and the environment in the vicinity of the operations are protected.

Further to this, since 2011, the Eastern Athabasca Regional Monitoring Program (EARMP) has been undertaking environmental monitoring in northern Saskatchewan. The EARMP is funded by the Province of Saskatchewan, the Canadian Nuclear Safety Commission (CNSC), and two licensed operators. It was designed to monitor potential cumulative effects downstream of uranium mining and milling operations, assessing both potential spatial and temporal cumulative effects of uranium mining and milling activities. This includes a focus around the McClean Lake and Rabbit Lake Operations and the Wollaston Lake area. The EARMP consists of two programs: the community program and the technical program. For the community program, different traditional foods are sampled each year over a three-year cycle, collecting water, fish, and berries. The technical monitoring program was established to monitor potential long-term changes in the aquatic environment. All EARMP reports are available online,⁵ including a ten-page report summarizing the results from 2011 to 2021. In 2022, community members collected and submitted 60 fish samples, 20 berry samples, and 6 water samples for testing in late 2022 and the analysis shows that country foods are safe for consumption with chemical profiles for water, fish, and berry samples generally similar to previous monitoring years and natural background.

Overall, based on the area of potential influence of the Project and the information currently in-hand, Denison does not anticipate that the Project will adversely affect PBCN land uses or activities.

Requests by Denison for Information & Response to Request for Funding

As noted above, Denison has requested PBCN to provide specific information regarding any PBCN land uses and rights in the Project area, in order to advance our collective understanding of whether and how the Project may impact PBCN interests and land uses.

Denison acknowledges that PBCN has shared a recently updated draft map outlining the parameters of its traditional territory. In reviewing the map, it is our understanding that the Project is on the very western boundary of PBCN territory and is not within PBCN's core territory. By way of illustration, Denison's mineral tenures for the Project (including for its adjacent Gryphon deposit) extend beyond the boundaries of PBCN's mapped territory. Prior to receipt of this draft map, Denison had relied on publicly available information about PBCN's traditional territory, shared on its website,⁶ which indicated that the Project is located well beyond the outermost edge of this publicly described traditional territory. This aligns with our understanding about other traditional land use information in the area, as well as the stories shared by PBCN members. As

⁴ CNSC Independent Environmental Monitoring Program updated October 16, 2023. Available online: <https://nuclearsafety.gc.ca/eng/resources/maps-of-nuclear-facilities/iemp/index.cfm#map>

⁵ Eastern Athabasca Regional Monitoring Program: Our Reports. Available online: <https://www.earmp.ca/reports>

⁶ Peter Ballantyne Cree Nation – Traditional Territory of Cree Nation dated 2024. Available online: <https://www.peterballantyne.ca/#1-traditional-territory-of-cree-nation>

stated at the September 20th meeting (and articulated in the meeting notes circulated following the meeting), in order to undertake deeper engagement than has occurred to date, Denison would appreciate receiving information about how the Project will adversely impact PBCN land uses and rights.

We understand that PBCN is interested in completing a traditional land and resources uses (TLRU) study and report for the Project area. Given the information made available to us thus far (summarized above in addition to the Draft EIS), Denison is unable to determine that such a TLRU is warranted at this time for the Project.

Denison's Approach to Engagement

As far as we are aware, our engagement approach aligns with the approaches being taken by CNSC and the Saskatchewan Ministry of Environment. We understand CNSC agreed to provide PBCN funding of up to \$40,000 to review the Draft EIS and participate in the environmental assessment process for the Project.

Denison continues to be willing to provide PBCN with additional funding on a cost-recovery basis for specific engagement activities in connection with the Project. If PBCN wishes to arrange another meeting to share specific information or ask further questions about the Project, we would be pleased to do so at our mutual convenience.

We look forward to working with you further.

Yours truly,



Carolanne Inglis-McQuay
Director, Corporate Social Responsibility

Attach: Denison Response to PBCN draft EIS Public Comments (October 10, 2023)

cc: Ted Merasty, Director of Lands and Resources, PBCN
Patricia McCunn-Miller, President, Blue Bridge Energy Ltd
Chani Campbell & Brianne Paulin, Aldridge + Rosling LLP
Roy Millen & Rochelle Collette, Blake, Cassels and Graydon LLP
Nana Kwamena, Director, Environmental Review Division
Jes Way, Environmental Review Officer, Canadian Nuclear Safety Commission
Brianne England, Manager, Applications, Saskatchewan Ministry of Environment
Jeff Dereniwski, Senior Environmental Assessment Officer, Saskatchewan Ministry of Environment



The Wheeler River Project

September 20, 2023, Meeting with Peter Ballantyne Cree Nation

Comments on Wheeler River EIS



Peter Ballantyne Cree Nation's EIS comments express interests in terms of the following themes:

1. Country Foods
2. Human Environment
3. Aquatic Environment
4. Terrestrial Environment
5. General

1. Country Foods



- Effects of growing/carrying capacity of both aquatic and terrestrial environments for country foods because of potential changes to the landscape including the risk of introduction of contaminants
- Potential accidents/spills impacts on the harvesting of plant specific country foods
- Limitations to access lands for country food harvesting due to mining traffic or operation of the mine

1. Country Foods



- Effects of growing/carrying capacity of both aquatic and terrestrial environments for country foods because of potential changes to the landscape including the risk of introduction of contaminants

Denison Response

- A Human Health Risk Assessment was undertaken for the Project: Section 10
- HHRA evaluated direct exposure to constituents of potential concern (or contaminants) released to air and water, and through indirect exposure to the constituents associated with soil, sediment, and food, such as fish, wildlife, and plants.
- Assessment was inclusive of information based on use of traditional foods and a **specific traditional food diet from ERFN**
- **No significant adverse effects to human health from the Project**

1. Country Foods



- Limitations to access lands for country food harvesting due to mining traffic or operation of the mine

Denison Response:

- Access limitations will be limited to the 169-hectare footprint of the site (for reference, the McIlvenna Bay Project is 1,029 hectares [8 times bigger than Denison's Project])
- Access north of the Key Lake Road is **already limited to a select number of individuals / resources harvesters**, and will remain in place until such time that the access is changed by other parties
- Denison is sensitive to areas of high cultural value to ERFN and KML along Highway 914; appropriate mitigations and restrictions in place during periods of intensive use. **These, and other mitigations, could be applicable to all users of the highway, inclusive of PBCN**

1. Country Foods



- Potential accidents/spills impacts on the harvesting of plant specific country foods

Denison Response

- Standalone Accident and Malfunctions assessment: Section 14
- **Assessed almost 70 scenarios**, including many that would relate to unplanned release of chemicals and radiation to the environment with potential to effect country foods
- **Specific scenarios assessed:**
 - Adjacent to ERFN and Kineepik Metis Local culture camps located along Highway 914
 - The overall risks in consideration of likelihood and consequence were characterized as low
 - Risks to the environment from accidents and malfunctions can be reduced to levels that are as low as reasonably practical

2. Human Environment



- Socio-economic impacts that may result from the Project, including a 300-person construction camp and a 180- person operations camp and related impacts to vulnerable populations
- Employment and procurement opportunities for PBCN members and Group of Companies
- Lack of detail on the proposed means and haul route of yellowcake product to market

2. Human Environment



- Socio-economic impacts that may result from the Project, including a 300-person construction camp and a 180- person operations camp and related impacts to vulnerable populations

Denison Response

- Construction and operation camps will operate on a fly-in/out basis, limiting the opportunities for interactions between the workforce and Indigenous communities, as workers will be transported by air directly to the site.

2. Human Environment

- Employment and procurement opportunities for PBCN members and Group of Companies

Denison Response

- Denison's Indigenous Peoples Policy sets out priority for Indigenous employment and procurement (among other items)
- Section 13.3.2.1: **Residents of Saskatchewan's North** (i.e., those resident in the northern administration district of Saskatchewan, inclusive of PBCN communities) **are prioritized for employment as an expected condition of the Surface Lease Agreement; similarly for goods and services to service the Project**
- Local Study Area communities would receive first priority, NAD second



2. Human Environment

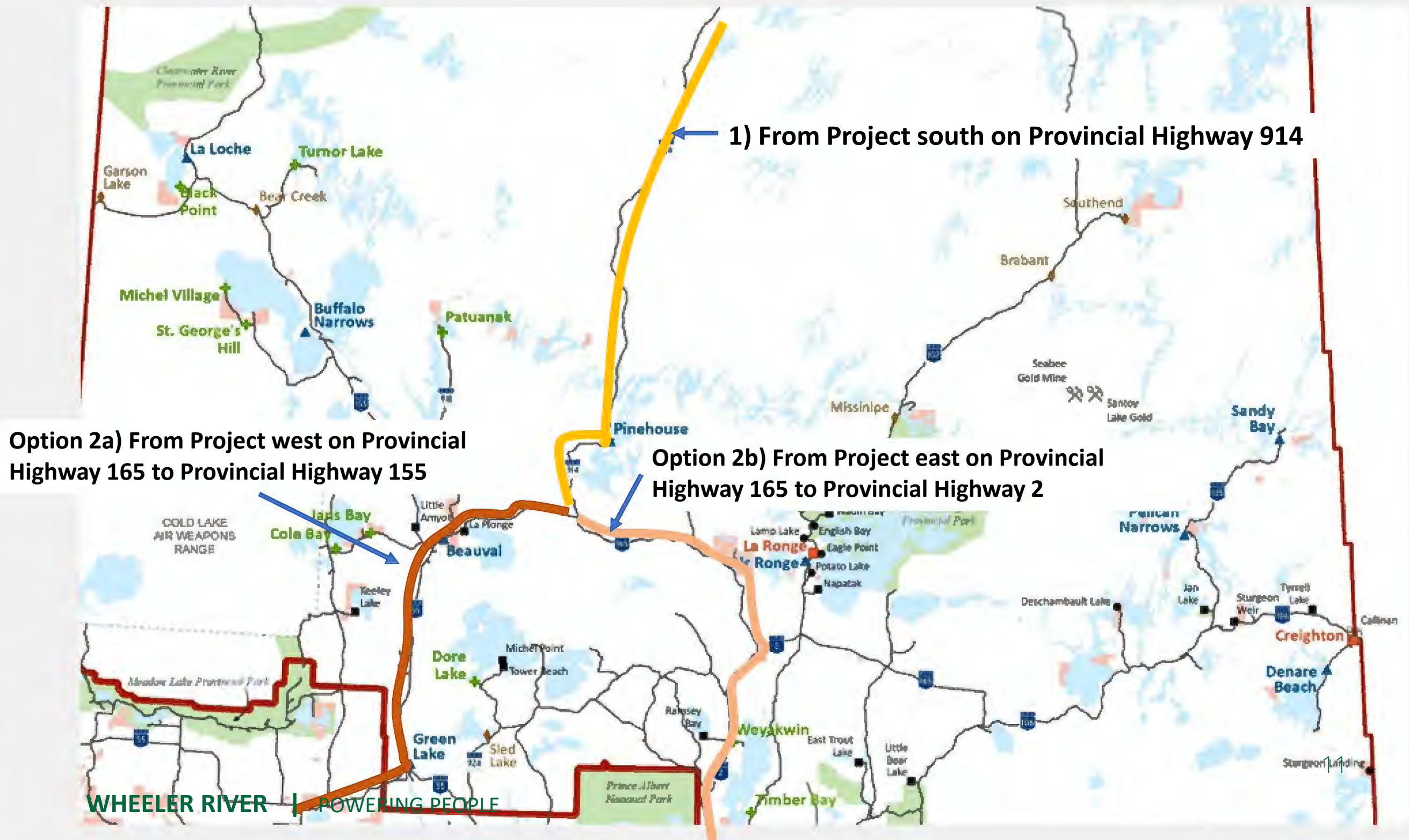


- Lack of detail on the proposed means and haul route of yellowcake product to market

Denison Response:

- The Yellowcake will be transported in industrial containers, in accordance with the Transportation of Dangerous Goods Act

2. Human Environment



3. Aquatic Environment



- Denison's proposed use of water from Whitefish Lake
- Treatment of mine contact effluent associated spills containment, and the anticipated downstream impacts. PBCN has a specific interest in the potential impacts to the interconnected waterbodies that PBCN relies on in the exercise of its indigenous rights.
- Potential impacts to the landscape as a whole, including aquatic and terrestrial environment

3. Aquatic Environment



- Denison's proposed use of water from Whitefish Lake

Denison Response

- Specific activity of water taking from Whitefish Lake was assessed: Section 8.1.4.2.2
- Conservative estimate of water taking would result in a reduction of flow of about 3% at times of low flow and the lake level could change by 1cm
 - Beyond the ability of monitoring techniques to practically measure
 - Minor incremental changes did not represent a significant adverse effect

3. Aquatic Environment



- Treatment of mine contact effluent associated spills containment, and the anticipated downstream impacts. PBCN has a specific interest in the potential impacts to the interconnected waterbodies that PBCN relies on in the exercise of its indigenous rights.

Denison Response:

- Potential effects from the Project on water quality were assessed in Section 8.2 of the EIS – Assessment directly evaluated discharge of effluent from the site using predictive modeling.
- Water treatment will occur; testing will occur prior to release; no release will occur if water quality does not meet objectives
- The predictive modeling showed that constituent concentrations including radionuclides would be **below water quality objectives for the protection of aquatic life (ie, no effects would be expected) at the outlet of Whitefish Lake** well upstream of the outflow of the Iceland River to Russell Lake.
- Since no impact are expected to occur in these areas close to the Project, no effects would accrue in areas further downstream in the watershed where contributing sub watersheds are many, many-times the size of the sub watersheds near the Project site.

3. Aquatic Environment



- Potential impacts to the landscape as a whole, including aquatic and terrestrial environment

Denison Response

- Potential effects of the Project on the aquatic and terrestrial environments have been comprehensively assessed
- The spatial scale is very small (resulting from ISR mining method) of 160 hectares.
 - For reference, the McIlvenna Bay Project is 1,029 hectares (8 times bigger than Denison's Project)
- A conservative approach was taken in the assessment and the overall conclusion was made that there would be no significant adverse residual effects in consideration of proposed mitigations.

4. Terrestrial Environment



- Potential impacts to boreal shield woodland caribou
- Potential impacts to the landscape as a whole, including aquatic and terrestrial environment (see previous response)

4. Terrestrial Environment



- Potential impacts to boreal shield woodland caribou

Denison Response:

- Caribou in SK-1 are stable
- Potential effects on Woodland Caribou were considered in Section 9.3 of the EIS
- Concluded no significant adverse effects
 - Small spatial scale of the Project relative to the SK1 range (0.001%)
 - Risk of Project-related mortality being below natural variation
 - Various mitigation measures to be implemented
- Initial Draft Caribou Management Plan has been provided to the regulators; living document that will evolve over time in response to the eventual Provincial overall management plan for the SK1 range

5. General



- Ensuring PBCN participation in the development and execution of the long-term environmental effects monitoring and follow up programs
- Identification of PBCN into Denison's engagement approach

5. General



- Ensuring PBCN participation in the development and execution of the long-term environmental effects monitoring and follow up programs

Denison Response

- Detailed monitoring programs to be developed through licensing
- This would include how data is going to be reported and share
- The regulators have developed third party monitoring programs and undertake data review on an ongoing basis

5. General



- Identification of PBCN into Denison's engagement approach

Denison response:

- Denison acknowledges PBCN interests in respect of the Project



PETER BALLANTYNE CREE NATION

Chief Joseph Custer Reserve - 2300 - 10th Avenue West
P.O. Box 2320, Prince Albert, Saskatchewan, Canada S6V 6Z1
Phone: (306) 765-5388 · Fax: (306) 922-1450



April 8, 2025

Dear Ms. Switzer
Denison Mines Corp
345 4th Avenue South
Saskatoon, SK S7K 1N3

We write in response to your letter dated April 1, 2025 in respect of the Wheeler River Project (the Project). PBCN would welcome developing a capacity funding agreement to engage with Denison on a cost-recovery basis.

As you are aware, PBCN formally requested funding from Denison in both July and December 2023 to prepare a Traditional Land and Resource Use study aimed at helping Denison better understand the extent of PBCN's Aboriginal rights in the Project area. During the meeting in September 2023, PBCN elders, including the former Chief, provided oral evidence of use in the Project area. However, in subsequent correspondence, PBCN was informed in that the stories shared was insufficient and PBCN was asked to provide more specific details regarding the use of the area.

Mapping Project

In 2024, at significant expense and using our limited financial resources, PBCN retained a consultant, the Firelight Group, to create a new traditional territory map. Since February 2024, PBCN has been working with the Firelight Group to develop a preliminary traditional land use map (the "Map"). This work has been ongoing for several months and includes in-depth interviews with numerous community members who continue to exercise their rights in areas of PBCN's territory that overlap with the Project area¹.

PBCN presented the Map and evidence to the Environmental Assessment Branch (Saskatchewan) and the Canadian Nuclear Safety Commission on October 29, 2024. After considering the information provided at the meeting, the province triggered the duty to consult on November 8, 2024.

We are enclosing a chart outlining specific uses in and around the Project site at Appendix A.

Mitigation Strategies and Monitoring Programs

¹ PBCN's mapping project is ongoing and we expect that the next phase will focus on incorporating historical archival evidence and undertaking more in-depth interviews with PBCN members regarding activities in the Project area and other northern areas of PBCN's traditional territory (the "Firelight Phase 2 Report"). However, in the interests of ensuring that PBCN is appropriately consulted in the regulatory process for the Project, PBCN wishes to provide Denison with the preliminary map of its traditional territory which has been developed by the Firelight Group and a summary of the information collected to date in respect of the exercise of rights and interests in the Project area and surrounding areas

Nearly fifty percent of our members' food supply comes from the land, making PBCN deeply invested in collaborating with Denison on mitigation and monitoring programs including a tissue sampling program and a water monitoring project. PBCN's objective is to ensure that mitigation measures are sufficient to protect our members who rely on the land for sustenance. Our approach is simple: to develop a capacity funding agreement so PBCN can work with the assistance of appropriate experts to (1) understand the impacts on PBCN's Aboriginal rights, and (2) develop mitigation measures to offset the Project impacts to PBCN's Aboriginal rights.

Next Steps

As noted above, PBCN's immediate goal is to enter into a capacity funding agreement to understand, with the assistance of the appropriate experts, the potential impacts on our Aboriginal rights. Following this, we look forward to engaging with Denison to discuss the proposed mitigation measures and monitoring strategies. To this end, PBCN has already developed some high-level mitigation and monitoring strategies, which we are eager to explore further with Denison in greater detail. We have enclosed this information as Appendix B for your review.

Although the province initiated the duty to consult late in the regulatory process, PBCN remains committed to working in good faith and is fully prepared to expedite any renewed consultation efforts. While we have no intention of delaying the overall process, our primary focus is ensuring that PBCN's Aboriginal rights are thoroughly considered. This is particularly important in light of the recent Kebaowek First Nation decision, where the court determined that the CNSC must assess the principles of UNDRIP in relation to any consultation process. The ruling further clarified that Indigenous nations are entitled to an enhanced consultation process, underscoring the need for a more comprehensive approach.

We look forward to your response and to moving forward collaboratively on this important matter.

Regards,



Ben Merasty
Executive Director, PBCN

Schedule "A"
Summary of PBCN Aboriginal Rights Documentation
Firelight Draft Memo dated October 9, 2024

CONFIDENTIAL

Treaty Land Entitlement Selection	Cultural	<p>PBCN's connection with the Athabasca Basin since time immemorial resulted in PBCN selecting 13.760 acres near the eastern edge of the Athabasca Basin near Dawn Lake, Rabbit Lake and Wollaston Lake (the "Asamera TLE"). The Provincial Crown was notified of this selection on October 14, 1998 and the Asamera TLE area was frozen starting January 13, 1999.</p> <p>There are comprehensive letters from the Ministry of Environment (Saskatchewan) to PBCN dated February 16, 2004 relating to a selection on Brabant Lake (Lat: 56° 8' and Long: 103° 42') and on October 17, 2007 relating to 13.760 acres located at Lat: 58° 20' and Long: 103° 50').</p> <p>Indigenous nations who did not receive all the land they were entitled to under the treaties are entitled to file a TLE claim. As PBCN has explained to the Crown, despite the fact that PBCN is a signatory to Treaty 6, the vast majority of PBCN's interests lay in Treaty 10 territory. The selection of the Asamera TLE in Treaty 10 is an example.</p>
Grayling	Subsistence	<p>PBCN members fish grayling from the lakes in the surrounding the Wheeler River Project.</p>
Walleye	Subsistence	<p>PBCN members fish grayling from the lakes in the surrounding the Wheeler River Project.</p>
Trout	Subsistence	<p>PBCN members fish grayling from the lakes in the surrounding the Wheeler River Project.</p>
Northern Pike	Subsistence	<p>PBCN members fish grayling from the lakes in the surrounding the Wheeler River Project.</p>
Drying Rack	Cultural	<p>PBCN members in the past would dry the fish they would net here along the shores.</p>
Food storage (cache)	Cultural	<p>PBCN members in the past would store dried fish and other food here.</p>

Medicinal plants	Cultural	PBCN members have harvested medicinal plants in and near the Project area since time immemorial.
Environmental feature corridor	Environmental	The Project area has been identified as an area known to be a caribou crossing.
Moose	Subsistence	Numerous PBCN members have harvested moose in and around Project area.
Caribou	Subsistence	Numerous PBCN members have harvested caribou in and around Project area.
Duck/mallard	Subsistence	PBCN members use this area to harvest duck (mostly in the Fall).
Geese	Subsistence	PBCN members use this area to harvest geese (mostly in the Fall).
Trapping	Cultural	PBCN members have trapped lynx near the Project.
Temporary habitation	Habitation	PBCN members have camped in the areas surrounding the Project.
Fungus	Cultural	PBCN members harvested chaga in vicinity of Project
Place name	Cultural	A Cree name is used for Whitefish Lake (Utikumak)
Rat root (weecay)	Cultural	PBCN harvests rat root in vicinity of Project
Lynx	Subsistence	PBCN members set traps for lynx near the Project.
Teaching area	Cultural	The areas in vicinity of Project have been and are used as a teaching area for fishing, trapping and harvesting.
General trapping area	Cultural	Numerous PBCN Members trap muskrat and beaver in vicinity of Project.

PBCN Preliminary Comments on Technical Comments

1. Territory and Communities:

- a. The map provided as Figure 1-3 in the October 2024 Final Environmental Impact Statement only includes Southend as a designated PBCN Reserve, but it lacks the inclusion of PBCN's traditional territory and communities. PBCN requests that all eight of PBCN's communities be clearly identified on relevant maps and the map be updated to reflect the map shared with you on October 29, 2024.
- b. The PBCN communities downstream of the mine, including Kinoosao, Southend, and Sandy Bay, must be properly recognized, as they are potentially impacted by mining activities.

2. Water Quality and Freshwater Resources:

- a. PBCN is particularly concerned about the proposed use of freshwater resources for mining operations and the release of treated effluent into Whitefish Lake. PBCN has specifically identified that PBCN members do fish the lakes surrounding the Proposed Project. PBCN does not see any assurances in the Technical Comments or regulatory documents that the water quality downstream, including water accessed by PBCN communities, will not be compromised. Stringent guidelines must be added as conditions to any environmental regulatory approval, certificate, permit, or licence granted. PBCN would like to review the language of all conditions prior to the province settling these terms with Denison.
- b. PBCN would like to co-develop a water quality monitoring program downstream of Whitefish Lake. Additionally, PBCN would like to receive regular copies of water quality monitoring reports moving forward.

3. Environmental Monitoring and Participation:

- a. PBCN is concerned about the quality and quantity of resources that PBCN members rely on for subsistence, including wildlife, vegetation, and water.
- b. Given that PBCN members actively fish, hunt, trap and harvest for medicinal and sacred purposes in and around the Proposed Project, and three of our communities are downstream of the Proposed Project, PBCN requests that water quality monitoring stations be set up at Kinoosao, Southend, and Sandy Bay to ensure accurate data is collected. PBCN understands that there is already a commitment to implement a groundwater protection and monitoring plan, including development of a groundwater monitoring well network, and PBCN would like this protection and monitoring plan extended to incorporate the three additional water quality stations at Kinoosao, Southend, and Sandy Bay.
- c. PBCN would like capacity funding to monitor these stations independently.

- d. PBCN is also interested in participating in the environmental committee overseeing this project as well as the BATEA (Best Available Technology Economically Achievable) study.
- e. PBCN also wishes to be kept informed of any spills and be included in all spill contingency planning and responses.
- f. PBCN notes that the potential residual effect on human health from exposure to selenium has been identified by Denison but there is no commitment to any monitoring of selenium or any other contaminants of potential concern (COPC) including, but not limited to, uranium, arsenic, cadmium other heavy metals or chemicals in the accumulation in fish and mammals or the bioaccumulation in plants, berries or fungus. PBCN members derive large portions of their diet from country food. To ensure the safety and well-being of PBCN members who rely on the surrounding ecosystem for subsistence harvesting, it is essential to establish a comprehensive tissue sampling program to monitor COPC downstream of the Proposed Project. PBCN requests Denison commit to long-term monitoring and co-development of the program with the PBCN Lands and Resources Department. The long term tissue sampling program would focus on edible parts of fish and mammals and bioaccumulation in leaf, root and fungal tissue of medicinal plants, berries and fungus which PBCN members collect, harvest, use and ingest. PBCN has included a preliminary framework of a collaborative Indigenous-led monitoring framework at Appendix "A".

4. Technical Concerns and Groundwater Contamination:

- a. PBCN is concerned about the potential failure of underground freeze wall technology which could lead to the contamination of groundwater and soils.
- b. The Technical Comments do not contain information relating to safety and efficacy of freeze walls. PBCN notes that the utilization of freeze walls is untested in Canada and the PBCN Lands & Resources Department would like all information and studies provided by Denison as well as the corresponding assessment by the province verifying such information and the province's technical review on the efficacy and safety of the use of freeze walls to contain contamination.
- c. PBCN would also like a better understanding of what specific steps the province is taking to monitor any potential failure of the freeze wall and whether the province is requiring financial security from Denison to cover the costs of any required environment remediation.

5. Cultural and Environmental Impacts:

- a. The development of the Proposed Project site could significantly impact culturally important species, including caribou. Changes to air and noise quality may disrupt wildlife in the area up to considerable distances away from the Proposed Project. PBCN requests an opportunity to review and comment on all caribou mitigation and offsetting plans to

ensure the disruption to the exercise of PBCN's aboriginal rights to hunt caribou is minimized.

- b. PBCN has already advised the province that PBCN members historically and currently use the areas in and around the Proposed Project to fish for Grayling, Walleye, Lake Trout, and Northern Pike, gather medicinal plants and fungus, hunt moose, caribou, duck and geese, and trap lynx, beaver and muskrat.

As noted earlier, both the Consultation Policy and the common law relating to consultation require the province to assess the likely impacts on the exercise of PBCN's aboriginal rights as well as any mechanisms that will be applied to mitigate the potential impacts to PBCN's aboriginal rights to fish, hunt, trap and gather. To date, PBCN has not received any correspondence relating to the assessment of the potential impacts on PBCN's aboriginal rights or any request to meet to provide such an assessment.

- c. PBCN is concerned about the contamination of vegetation, fish, wildlife, water and soil, which would affect the traditional foods and livelihoods of our people. PBCN has advised you that PBCN members hunt, fish and trap areas in and around the Proposed Project as well as dry traditional foods and store such food in and around the Proposed Project area. PBCN's experience on other natural resource development projects is that tainting or perceived diminishment of the quality of the land and resources around the Proposed Project will result in avoidance of harvesting of country foods by PBCN members. Ongoing monitoring of country foods is critical to establish a scientific baseline of contaminants in traditional foods and build the confidence of PBCN members to facilitate the continued exercise of PBCN's Aboriginal rights to hunt, harvest, fish and gather. PBCN would like to co- develop a country foods monitoring plan, participate in such monitoring and receive the results in accordance with the preliminary framework attached at Appendix "A".

6. Loss of Land Use and Treaty Rights:

- a. In addition to losing access to the areas in and around the Proposed Project, we anticipate PBCN land users will avoid large areas downstream of the mine site due to concerns with contamination. This resultant loss of land and resource use will directly impact the exercise of PBCN's aboriginal rights.

7. Traffic and Safety Concerns:

- a. Increased traffic resulting from the mining operations poses a risk of accidents, particularly along Key Lake Road/Highway 914. Access to Key Lake Road/Highway 914 are vital routes for PBCN members to access much of PBCN territory and exercise PBCN's Aboriginal rights within the vicinity of the Proposed Project.

- b. PBCN would like to see a traffic monitoring and management plan in place for Key Lake Road/Highway 914.

8. Risk of Forest Fires and Environmental Damage:

- a. PBCN is concerned about the potential for forest fires during operations. Forest fires could increase the risk of spills and contamination if mine infrastructure is damaged and could cause damage beyond the Proposed Project footprint. None of the fire suppression plans included in the Technical Comments referred to the requirement for the proponent to maintain on site water tanks, portable pumps and hand pumps, weather stations, or to the requirement of all clearing contractors to undergo specific fire suppression, fire behaviours and fire line safety training. PBCN wishes to remind the province that some PBCN communities were evacuated in 2024 due to wildfires and we remain deeply concerned about impact of wildfires if not suppressed in a timely manner.

9. Cumulative Impacts of Neighbouring Developments:

- a. PBCN is concerned about the future development of the nearby Gryphon deposit, which Denison has identified as one of two target deposits, and the potential cumulative effects on the surrounding environment and those PBCN communities located downstream of the Proposed Project caused by such development.
- b. PBCN would like to see a cumulative effects assessment added as a condition to any certificates, permits or licences granted to the proponent.
- c. PBCN notes that Denison has described this project as the “largest undeveloped uranium project in the eastern portion of the Athabasca Basin region in northern Saskatchewan, Canada. The project hosts two high-grade uranium deposits: Phoenix and Gryphon.”

However, the cumulative impact assessment only provided a cursory reference to the Gryphon deposit and did not adequately evaluate the cumulative impacts of future phases of this Proposed Project and of the neighbouring projects. Given the scale of this multi-phase Proposed Project, the cumulative effects project? PBCN would like to see such cumulative effects assessment and looks forward to meeting with the province to review the cumulative effects assessment.

May 13, 2025

Ben Merasty
Executive Director
Peter Ballantyne Cree Nation
Chief Joseph Custer Reserve
#2300 – 10th Avenue West
PO Box 2320
Prince Albert, SK S6V 6Z1

Re: Engagement Activities for the Wheeler River Project

Dear Mr. Merasty,

Thank you for your letter dated April 8, 2025 in which you expressed Peter Ballantyne Cree Nation's ("PBCN") interest in undertaking engagement activities with Denison Mines Corp. ("Denison") regarding the Wheeler River Project ("Project").

Consistent with our previous correspondence, we fully support continuing our engagement activities in respect of the Project. Further, we continue to support entering into capacity funding agreement, provided both parties agree on the scope of items to be included in such agreement. I have instructed Denison's legal counsel to connect with your legal counsel to continue advancing discussions in respect of a capacity funding agreement.

To place our response in context, below we set out an overview of some of the engagement activities between Denison and PBCN and address recent documentation shared by PBCN. In doing so, we seek to clarify certain assertions made in your April 8, 2025 letter.

Engagement between Denison and PBCN regarding the Project

Denison has been consulting with PBCN since 2023. This was over one year prior to the Saskatchewan Ministry of Environment's decision that it owed certain consultation duties to PBCN in respect of the Project.

Throughout our history of engagement, Denison has consistently encouraged PBCN to share specific information relevant to the Project. On May 16, 2023, we requested PBCN share available information regarding its traditional and current land use in the Project area. On June 30, 2023, Denison again requested PBCN provide this information so that we could prepare for a more detailed discussion at the upcoming meeting on September 20, 2023. PBCN responded by advising Denison it would provide information about specific PBCN land uses in and around the Project at the September meeting. The agenda for the meeting included "PBCN land and uses in the Project area."

When Denison and PBCN met on September 20, 2023, information shared by PBCN members focused primarily on Wollaston Lake and Southend (each of which is hundreds of kilometres downstream from the Project location). The information shared by PBCN members did not pertain to specific land uses in and around the Project area, nor did it demonstrate PBCN's Treaty or Aboriginal rights could be appreciably impacted by the Project.

On November 22, 2023, Denison sent another letter requesting land use information from PBCN. On December 13, 2023, PBCN sent Denison a further letter requesting capacity funding on a cost-recovery basis to support PBCN's engagement with Denison and to complete a PBCN-specific traditional land and resources use study and report for the Project. We responded on January 10, 2024, by reaffirming our interest in continuing to engage with PBCN, including by providing capacity funding on a cost-recovery basis. Prior to funding a traditional land and resources study for the Project, we requested that PBCN first provide preliminary or existing information regarding how the Project would adversely impact PBCN land uses and rights, so as to demonstrate that a more in-depth study would be appropriate and helpful.

Consistent with our approach with PBCN to date, Denison seeks to engage in meaningful discussions with PBCN regarding its concerns and potential mitigation measures. To this end, we require detailed information from PBCN to understand the potential impacts to its Aboriginal rights. Without an understanding of PBCN's current and historical uses of the area in and around the Project, we are unable to assess how the Project could impact PBCN's rights.

PBCN Documentation - Firelight Draft Memo dated October 9, 2024

Your April 8, 2025 letter states that Denison was provided a map on October 29, 2024 and that PBCN desires that this map be included in the Final Environmental Impact Statement. Denison has not received this map. The only map-like information Denison has been provided was a map that was sent to the CNSC on March 3, 2023 which was then forwarded to Denison on March 6, 2023 – along with an email requesting the map remain confidential, which Denison has maintained. If there is an updated map PBCN wishes to send us, we would be happy to receive it.

We appreciate the documentation that you recently shared in Schedule A of your April 8, 2025 letter. It is, however, challenging for Denison to meaningfully consider this documentation because the information is vague and does not contain spatial or temporal details. To facilitate meaningful engagement, we have summarized key aspects of your documentation in Appendix A along with our questions. We respectfully request that PBCN provide further information in response to our questions, where possible.

PBCN also provided a list of questions and comments as part of Schedule A of the April 8, 2025 letter. We thank you for providing this input. I note that a number of these topics have already been responded to by Denison on October 10, 2023 as part of the follow up to our September 20, 2023 meeting. For your records, I attach Denison's previous responses in Appendix B.



Denison Mines Corp.
345 4th Avenue South
Saskatoon, SK S7K 1N3
T: 306-652-8200

www.denisonmines.com

We would also like to have an opportunity to meet with you again to discuss these matters. We look forward to hearing from you.

Sincerely,

Carolanne Inglis-McQuay

[on behalf of Janna Switzer]

Janna Switzer
Vice President, Environment, Sustainability & Regulatory

Cc: Ted Merasty, Director of Lands and Resources, PBCN
David Cates, President and Chief Executive Officer, Denison
Carolanne Inglis-McQuay, Director, Corporate Social Responsibility, Denison
Roy Millen & Matthew Vreugde, Blake, Cassels & Graydon LLP

APPENDIX A

Summary of PBCN Indigenous Rights Documentation Firelight Draft Memo dated October 9, 2024			Denison Information Request
1) Treaty Land Entitlement Selection	Cultural	<p>PBCN's connection with the Athabasca Basin since time immemorial resulted in PBCN selecting 13.76 acres near the eastern edge of the Athabasca Basin near Dawn Lake, Rabbit Lake and Wollaston Lake (the "Asamera TLE"). The Provincial Crown was notified of this selection on October 14, 1998 and the Asamera TLE area was frozen starting January 13, 1999.</p> <p>There are comprehensive letters from the Ministry of Environment (Saskatchewan) to PBCN dated February 16, 2004 relating to a selection on Brabant Lake (Lat: 56° 8' and Long: 103 ° 42') and on October 17, 2007 relating to 13.76 acres located at Lat: 58° 20' and Long: 103 ° 50').</p> <p>Indigenous nations who did not receive all the land they were entitled to under the treaties are entitled to file a TLE claim. As PBCN has explained to the Crown, despite the fact that PBCN is a signatory to Treaty 6, the vast majority of PBCN's interests lay in Treaty 10 territory. The selection of the Asamera TLE in Treaty 10 is an example.</p>	Noted. Denison would like to note that Dawn Lake, Rabbit Lake and Wollaston Lake are more than 200km away from the Project footprint. Based on Denison's EIS for the Wheeler River Project, we have determined that the Project will not have effects on these three lakes.
2) Grayling	Subsistence	PBCN members fish grayling from the lakes in the surrounding the Wheeler River Project	Please clarify the approximate locations (e.g., lake names) or spatial area defined as "lakes in the surrounding the Wheeler River Project." Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
3) Walleye	Subsistence	PBCN members fish [grayling] [sic] from the lakes in the surrounding the Wheeler River Project	Please clarify the spatial area defined as "lakes in the surrounding the Wheeler River Project." Please clarify what the timeframes are for this

Summary of PBCN Indigenous Rights Documentation Firelight Draft Memo dated October 9, 2024			Denison Information Request
			activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
4) Trout	Subsistence	PBCN members fish [grayling] [sic] from the lakes in the surrounding the Wheeler River Project	Please clarify the approximate locations (e.g., lake names) or spatial area defined as “ lakes in the surrounding the Wheeler River Project. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
5) Northern Pike	Subsistence	PBCN members fish [grayling] [sic] from the lakes in the surrounding the Wheeler River Project	Please clarify the approximate locations (e.g., lake names) or spatial area defined as “ lakes in the surrounding the Wheeler River Project. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
6) Drying Rack	Cultural	PBCN members in the past would dry the fish they would net here along the shores.	Please clarify the approximate locations or spatial area associated with this activity.
7) Food storage (cache)	Cultural	PBCN members in the past would store dried fish and other food here.	Please clarify the approximate locations or spatial area associated with this activity.
8) Medicinal plants	Cultural	PBCN members have harvested medicinal plants in and near the Project area since time immemorial.	Please clarify the approximate locations or spatial area defined as “ in and near the Project area. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
9) Environmental feature corridor	Environmental	The Project area has been identified as an area known to be a caribou crossing.	Denison has been recording wildlife in the Project area for many years and has recorded the occasional caribou, as noted in the EIS. Please specify the approximate locations or spatial area in relation to a caribou crossing.

Summary of PBCN Indigenous Rights Documentation Firelight Draft Memo dated October 9, 2024			Denison Information Request
10) Moose	Moose	Numerous PBCN members have harvested moose in and around Project area.	Please clarify the approximate locations or spatial area defined as “ in and around Project area. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
11) Caribou	Subsistence	Numerous PBCN members have harvested caribou in and around Project area.	Please clarify the approximate locations or spatial area defined as “ in and around Project area. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago). If possible, please specify if this is referring to woodland caribou or barren ground caribou.
12) Duck/mallard	Subsistence	PBCN members use this area to harvest duck (mostly in the Fall).	Please clarify the approximate locations or spatial area defined as “ use this area. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
13) Geese	Subsistence	PBCN members use this area to harvest geese (mostly in the Fall).	Please clarify the approximate locations or spatial area defined as “ use this area. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
14) Trapping	Cultural	PBCN members have trapped lynx near the Project.	Please clarify the approximate locations spatial area defined as “ near the Project. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
15) Temporary habitation	Habitation	PBCN members have camped in the areas surrounding the Project	Please clarify the approximate locations or spatial area defined as “ in the areas surrounding the Project. ” Please clarify what the timeframes are

Summary of PBCN Indigenous Rights Documentation Firelight Draft Memo dated October 9, 2024			Denison Information Request
			for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
16) Fungus	Cultural	PBCN members harvested chaga in vicinity of Project	Please clarify the approximate locations or spatial area defined as “ in vicinity of Project. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
17) Place name	Cultural	A Cree name is used for Whitefish Lake (Utikumak)	Thank you for providing this information.
18) Rat root (weecay)	Cultural	PBCN harvests rat root in vicinity of Project	Please clarify the approximate location or spatial area defined as “ in vicinity of Project. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
19) Lynx	Subsistence	PBCN members set traps for lynx near the Project.	Please clarify the approximate location or spatial area defined as “ near the Project. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
20) Teaching area	Cultural	The areas in vicinity of Project have been and are used as a teaching area for fishing, trapping and harvesting.	Please clarify the approximate location or spatial area defined as “ in vicinity of Project. ” Please clarify what the timeframes are for this activity (i.e. activity presently occurring, in the past 10 years, between 10-20 years ago, or longer than 20 years ago)
21) General trapping area	Cultural	Numerous PBCN Members trap muskrat and beaver in vicinity of Project.	The Project is located in the N-18 furblock that is co-managed by English River First Nation. As such, please clarify the approximate location or spatial area defined as “ in vicinity of Project ” where numerous PBCN members trap muskrat

Summary of PBCN Indigenous Rights Documentation Firelight Draft Memo dated October 9, 2024			Denison Information Request
			and beaver and associated timeframes.
			General question: PBCN has identified that PBCN land users will avoid large areas downstream of the mine site due to concerns with contamination. Given that Denison's treated effluent will be discharged into the same surface system that Key Lake and McArthur River already interact with, does PBCN have an idea of what degree of avoidance of these areas has already occurred, given these two Cameco operations have been in existence for more than 20-30 years?



Denison Mines Corp.
345 4th Avenue South
Saskatoon, SK S7K 1N3
T: 306-652-8200

www.denisonmines.com

APPENDIX B

From: [Carolanne Inglis-McQuay](#)
To: [Patricia McCunn-Miller](#)
Subject: Follow Up to Meeting between PBCN and Denison on September 20, 2023
Date: Tuesday, October 10, 2023 11:15:00 AM
Attachments: [20230920-WRE PRES DEN PBCN Overview.pdf](#)
[20230920-F-MeetingNotes.pdf](#)
[20230920-WRE PRES DEN PBCN EISComments.pdf](#)
Importance: High

Hi Patti,

We are following up on our recent meeting with PBCN in Saskatoon on September 20, 2023. We think the meeting was a productive opportunity for Denison and PBCN to learn more about one another and the Wheeler River Project. We appreciate Chief Bird and the Lands and Resources Committee making themselves available.

Enclosed is the presentation we had prepared to address the concerns raised by PBCN in its submission on the draft EIS. Unfortunately we weren't able to get to the presentation during our meeting due to time constraints, but we did have an opportunity to discuss several of the issues as part of Kevin's overview presentation (also attached to this email). This included discussion of Denison's relatively limited water use from Whitefish Lake, and the expected extent of predicted impacts resulting from treated effluent from Project operations. It also included some discussion of potential contracting opportunities at the Project.

I have also enclosed the presentation we provided at the meeting. For file size, I've removed the video links embedded in the videos, but have put the link to our videos here – which your team may find useful. <https://denisonmines.com/investors/videos/>

There were a number of questions regarding the location and footprint of the Project site. We think it may help to clarify that the treated mine effluent is expected to have negligible impacts at the outlet of Whitefish Lake (approximately 4 km downstream from the location of the treated effluent discharge location), which would then have to travel around 900 km further downstream to reach Southend, which we understand from PBCN is the PBCN community which was expressed as being of most interest in relation to this area of concern. This type of information can be found in section 8 of the draft EIS, of which we believe you have a copy of. If you do not, please let me know and we can facilitate sharing that document for you.

I have also attached meeting notes which summarize the general discussions undertaken during the meeting, from our perspective. Please do let us know if there are any varying perspectives on the meeting notes from your team.

We have noted PBCN's concerns raised during the meeting regarding the transparency around and communication of monitoring results for the Project. This issue is not addressed in the attached presentation as it was raised during the meeting. During the meeting we explained that the monitoring results in relation to the Project (water quality, air quality, radiation, etc.) will be required to be reported to both the Federal and Provincial regulators on a regular basis (such as quarterly and / or annually). In particular, Denison will be required to meet the CNSC's expectations with respect

to public disclosure; a copy of Denison's subsequent Public Disclosure Protocol will be publicly available once Denison completes the licensing process(es).

During the meeting, we discussed next steps in the regulatory process for the Project. Denison is in the process of responding to comments made on the draft EIS and is preparing to submit a table of comments, responses, and the status of each issue to the regulators this fall. Our hope is to identify for the regulator where our responses have satisfied PBCN's concerns.

We appreciated the overview Marg provided regarding the various processes that PBCN has in place for working with those proposing industrial projects. We understand PBCN's interest in the Project, and remain interested in learning more about the potential for the Project to impact PBCN land uses and rights and/or PBCN's interests in the Project area. We understand that Ted Merasty was going to provide further information on this during our meeting, but was unable to attend due to illness.

We hope the enclosed information assists with PBCN's further understanding about the Project. We look forward to discussing further once the PBCN team has had a chance to review.

Sincerely,
Carolanne

Carolanne Inglis-McQuay

Director, Corporate Social Responsibility

t: 306-652-8200 x 128 | f: 306-652-8202

345 4th Avenue South

Saskatoon, SK, Canada, S7K 1N3



TSX: DML | NYSE MKT: DNN

www.denisonmines.com

This e-mail is intended for exclusive use of the person(s) mentioned as the recipient(s). This message and any attached files with it are confidential and may contain privileged or proprietary information. If you are not the intended recipient(s) please delete this message and notify the sender. You may not use, distribute print or copy this message if you are not the intended recipient(s).



The Wheeler River Project

September 20, 2023, Meeting with Peter Ballantyne Cree Nation

Comments on Wheeler River EIS



Peter Ballantyne Cree Nation's EIS comments express interests in terms of the following themes:

1. Country Foods
2. Human Environment
3. Aquatic Environment
4. Terrestrial Environment
5. General

1. Country Foods



- Effects of growing/carrying capacity of both aquatic and terrestrial environments for country foods because of potential changes to the landscape including the risk of introduction of contaminants
- Potential accidents/spills impacts on the harvesting of plant specific country foods
- Limitations to access lands for country food harvesting due to mining traffic or operation of the mine

1. Country Foods



- Effects of growing/carrying capacity of both aquatic and terrestrial environments for country foods because of potential changes to the landscape including the risk of introduction of contaminants

Denison Response

- A Human Health Risk Assessment was undertaken for the Project: Section 10
- HHRA evaluated direct exposure to constituents of potential concern (or contaminants) released to air and water, and through indirect exposure to the constituents associated with soil, sediment, and food, such as fish, wildlife, and plants.
- Assessment was inclusive of information based on use of traditional foods and a **specific traditional food diet from ERFN**
- **No significant adverse effects to human health from the Project**

1. Country Foods



- Limitations to access lands for country food harvesting due to mining traffic or operation of the mine

Denison Response:

- Access limitations will be limited to the 169-hectare footprint of the site (for reference, the McIlvenna Bay Project is 1,029 hectares [8 times bigger than Denison's Project])
- Access north of the Key Lake Road is **already limited to a select number of individuals / resources harvesters**, and will remain in place until such time that the access is changed by other parties
- Denison is sensitive to areas of high cultural value to ERFN and KML along Highway 914; appropriate mitigations and restrictions in place during periods of intensive use. **These, and other mitigations, could be applicable to all users of the highway, inclusive of PBCN**

1. Country Foods



- Potential accidents/spills impacts on the harvesting of plant specific country foods

Denison Response

- Standalone Accident and Malfunctions assessment: Section 14
- **Assessed almost 70 scenarios**, including many that would relate to unplanned release of chemicals and radiation to the environment with potential to effect country foods
- **Specific scenarios assessed:**
 - Adjacent to ERFN and Kineepik Metis Local culture camps located along Highway 914
 - The overall risks in consideration of likelihood and consequence were characterized as low
 - Risks to the environment from accidents and malfunctions can be reduced to levels that are as low as reasonably practical

2. Human Environment



- Socio-economic impacts that may result from the Project, including a 300-person construction camp and a 180- person operations camp and related impacts to vulnerable populations
- Employment and procurement opportunities for PBCN members and Group of Companies
- Lack of detail on the proposed means and haul route of yellowcake product to market

2. Human Environment



- Socio-economic impacts that may result from the Project, including a 300-person construction camp and a 180- person operations camp and related impacts to vulnerable populations

Denison Response

- Construction and operation camps will operate on a fly-in/out basis, limiting the opportunities for interactions between the workforce and Indigenous communities, as workers will be transported by air directly to the site.

2. Human Environment

- Employment and procurement opportunities for PBCN members and Group of Companies

Denison Response

- Denison's Indigenous Peoples Policy sets out priority for Indigenous employment and procurement (among other items)
- Section 13.3.2.1: **Residents of Saskatchewan's North** (i.e., those resident in the northern administration district of Saskatchewan, inclusive of PBCN communities) **are prioritized for employment as an expected condition of the Surface Lease Agreement; similarly for goods and services to service the Project**
- Local Study Area communities would receive first priority, NAD second



2. Human Environment

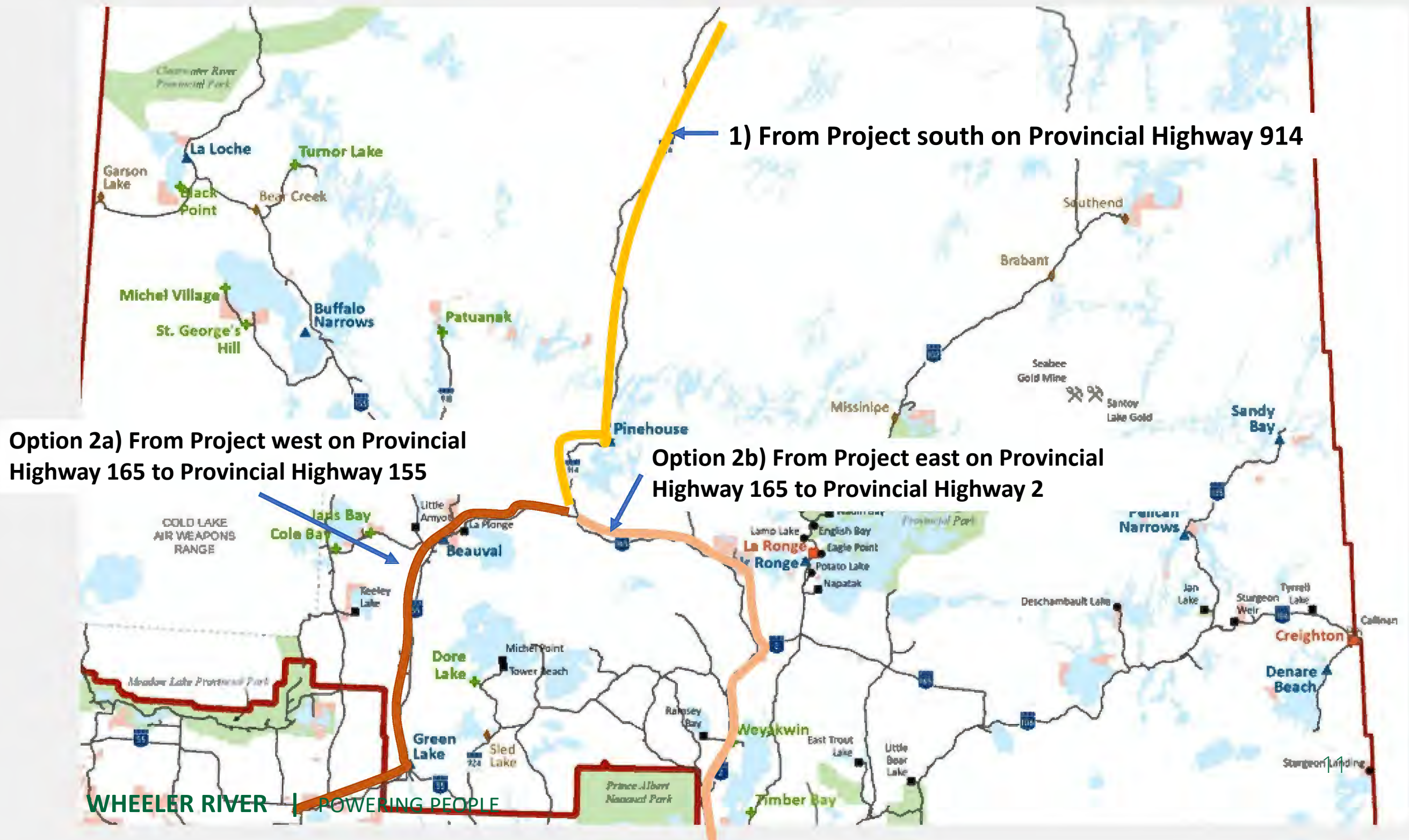


- Lack of detail on the proposed means and haul route of yellowcake product to market

Denison Response:

- The Yellowcake will be transported in industrial containers, in accordance with the Transportation of Dangerous Goods Act

2. Human Environment



3. Aquatic Environment



- Denison's proposed use of water from Whitefish Lake
- Treatment of mine contact effluent associated spills containment, and the anticipated downstream impacts. PBCN has a specific interest in the potential impacts to the interconnected waterbodies that PBCN relies on in the exercise of its indigenous rights.
- Potential impacts to the landscape as a whole, including aquatic and terrestrial environment

3. Aquatic Environment



- Denison's proposed use of water from Whitefish Lake

Denison Response

- Specific activity of water taking from Whitefish Lake was assessed: Section 8.1.4.2.2
- Conservative estimate of water taking would result in a reduction of flow of about 3% at times of low flow and the lake level could change by 1cm
 - Beyond the ability of monitoring techniques to practically measure
 - Minor incremental changes did not represent a significant adverse effect

3. Aquatic Environment



- Treatment of mine contact effluent associated spills containment, and the anticipated downstream impacts. PBCN has a specific interest in the potential impacts to the interconnected waterbodies that PBCN relies on in the exercise of its indigenous rights.

Denison Response:

- Potential effects from the Project on water quality were assessed in Section 8.2 of the EIS – Assessment directly evaluated discharge of effluent from the site using predictive modeling.
- Water treatment will occur; testing will occur prior to release; no release will occur if water quality does not meet objectives
- The predictive modeling showed that constituent concentrations including radionuclides would be **below water quality objectives for the protection of aquatic life (ie, no effects would be expected) at the outlet of Whitefish Lake** well upstream of the outflow of the Iceland River to Russell Lake.
- Since no impact are expected to occur in these areas close to the Project, no effects would accrue in areas further downstream in the watershed where contributing sub watersheds are many, many-times the size of the sub watersheds near the Project site.

3. Aquatic Environment



- Potential impacts to the landscape as a whole, including aquatic and terrestrial environment

Denison Response

- Potential effects of the Project on the aquatic and terrestrial environments have been comprehensively assessed
- The spatial scale is very small (resulting from ISR mining method) of 160 hectares.
 - For reference, the McIlvenna Bay Project is 1,029 hectares (8 times bigger than Denison's Project)
- A conservative approach was taken in the assessment and the overall conclusion was made that there would be no significant adverse residual effects in consideration of proposed mitigations.

4. Terrestrial Environment



- Potential impacts to boreal shield woodland caribou
- Potential impacts to the landscape as a whole, including aquatic and terrestrial environment (see previous response)

4. Terrestrial Environment



- Potential impacts to boreal shield woodland caribou

Denison Response:

- Caribou in SK-1 are stable
- Potential effects on Woodland Caribou were considered in Section 9.3 of the EIS
- Concluded no significant adverse effects
 - Small spatial scale of the Project relative to the SK1 range (0.001%)
 - Risk of Project-related mortality being below natural variation
 - Various mitigation measures to be implemented
- Initial Draft Caribou Management Plan has been provided to the regulators; living document that will evolve over time in response to the eventual Provincial overall management plan for the SK1 range

5. General



- Ensuring PBCN participation in the development and execution of the long-term environmental effects monitoring and follow up programs
- Identification of PBCN into Denison's engagement approach

5. General



- Ensuring PBCN participation in the development and execution of the long-term environmental effects monitoring and follow up programs

Denison Response

- Detailed monitoring programs to be developed through licensing
- This would include how data is going to be reported and share
- The regulators have developed third party monitoring programs and undertake data review on an ongoing basis

5. General



- Identification of PBCN into Denison's engagement approach

Denison response:

- Denison acknowledges PBCN interests in respect of the Project



PETER BALLANTYNE CREE NATION

Chief Joseph Custer Reserve - 2300 - 10th Avenue West
P.O Box 2320, Prince Albert, Saskatchewan, Canada S6V 6Z1
Phone: (306) 765-5388 · Fax: (306) 922-1450



March 03, 2023

Ms. Jes Way
Environmental Assessment Officer
Canadian Nuclear Safety Commission
Email: wheelerriver@cnsccsn.gc.ca

Re: Denison Mines – Wheeler River Project

Comments of the Peter Ballantyne Cree Nation on Draft Environmental Impact Statement

Dear Ms. Way,

Preliminary Issue

Peter Ballantyne Cree Nation (PBCN) has had a limited opportunity to conduct an initial review of the Denison Mines Ltd (Denison) proposed Wheeler River Project (Wheeler or Project) draft Environmental Impact Statement (dEIS) due to the fact that it was initially excluded from consultation. Although PBCN acknowledges and appreciates the opportunity to submit its views on the adequacy of the information presented in the Wheeler dEIS it has concerns regarding the adequacy of the aboriginal consultation undertaken to date by Denison and the Canadian Nuclear Safety Commission (CNSC) in respect of Wheeler.

It is understood that cooperation with Canada's Indigenous peoples with respect to Environmental Assessment (EA) is one of the purposes of the CEAA 2012. The CNSC ensures that its EA and licensing decisions uphold the honour of the Crown and consider Indigenous peoples' potential or established Indigenous and/or treaty rights pursuant to section 35 of the Constitution Act, 1982.

Both Denison and CNSC indicate they have fulsome aboriginal engagement policies and guidelines and appear to be undertaking their delegated Crown duty to consult in good faith, as informed by those policies, principles, legal and regulatory requirements. However, there has been an initial error in the assessment, by both Denison and CNSC, of the indigenous communities that should be considered an indigenous community of interest for purposes of consultation on this Project. PBCN was erroneously excluded from indigenous engagement, ostensibly due to distance from Wheeler and a lack of understanding of PBCN lands and indigenous activities potentially impacted by the Project.

PBCN is an Indigenous community that must be consulted having regard to the decided law, the provisions of CEAA 2012 and Denison's own criteria. PBCN meets nearly all of Denison's stated criteria to evaluate Indigenous communities located in the Saskatchewan Northern Administration District that would be engaged by Denison. Wheeler falls within PBCN traditional territory, where traditional land use activities have historically been and are currently practised. For the record:

- PBCN territory encompasses Treaty 10.

- PBCN has potential or established Indigenous Rights within the Project Area.
- PBCN community of Southend is proximate to the Project having regard to conditions and the geography of Northern Saskatchewan. Southend is 185 km away, in a straight line, from the Project.
- PBCN has known traditional territory and has exercised aboriginal rights in and around the Project site.
- PBCN not only has the potential to exercise its Indigenous/Treaty Rights in proximity to the Project but is currently doing so.

PBCN is of the view that this lack of understanding, among Denison and CNSC, concerning PBCN's territory and the exercise of its Indigenous rights has impeded engagement during the early stages of the Wheeler regulatory process. This may be due in part to the Covid-19 pandemic challenges or misplaced reliance on communication with an umbrella organization like the Prince Albert Grand Council, that does not have authority to outline individual First Nation lands and interests and potential impacts. Regardless of the reason, the engagement process must be honoured to ensure that the PBCN is properly consulted with respect to the proposed Project.

One starting point to redress a failure of engagement is to assist Denison and the CNSC to better understand the nature and scope of PBCN lands and treaty and aboriginal rights and uses. To this end we have attached a map indicating the traditional territory and some uses by PBCN. This document is a working draft and we request that you retain it in confidence consistent with CEEA guidance to protect the Indigenous knowledge and to allow us to jointly discuss management and disclosure of this information.

Although the Wheeler regulatory review is underway, the PBCN intends to engage with CNSC and Denison to share our perspectives on how PBCN interests may be impacted by Wheeler and how the impacts can be addressed.

PBCN's goals are to:

- Work together with Denison in a spirit of mutual respect to cooperate to collectively identify means to avoid, mitigate, or otherwise address potential negative impacts of the Project on PBCN's territory and the exercise of its Indigenous rights and interests.
- Participate in a funding agreement with Denison to facilitate and support PBCN participation and meaningful engagement in the EA process.
- Meet with CNSC and Denison to share PBCN knowledge of its land, and Indigenous uses, and how these may be impacted by the Project and methods to address any adverse impacts.
- Explore employment and job opportunities related to the Project.
- Establish a shared understanding of how PBCN would like to be engaged in the regulatory review including, but not restricted to, timely project updates, information and an opportunity to discuss concerns throughout the EA process, including the review of the dEIS, CNSC staff's EA Report, and other project-related documentation.

We understand that the CNSC, with the support of the federal-Indigenous Review Team, will engage in an EIS technical review. PBCN's intention is to participate fully in the ongoing Wheeler regulatory review.

The following PBCN comments are in response to the 90-day public comment period on the dEIS. They provide background on PBCN and our initial perspectives, as a treaty and aboriginal rightsholder, on issues arising from Denison's dEIS.

PBCN Background, Rights, and Interests

The Peter Ballantyne Cree Nation has a number of concerns about Denison's proposed uranium mine development that it would like to discuss with Denison and CNSC. These include potential adverse environmental and socio-economic impacts to PBCN members, lands and uses, including hunting, fishing, and gathering, in all seasons, throughout its territory.

The PBCN has occupied lands and waters in Northeastern Saskatchewan and Northwestern Manitoba since time immemorial. PBCN is a signatory to Treaty 6 and its traditional territory spans all of Treaty 10 and a portion of Treaty 6. The Project is located on Crown land with the nearest PBCN community located at Southend Saskatchewan (approximately 185 km, in a straight line).

Within Saskatchewan, PBCN traditional hunting, fishing, and gathering territory extends from the Saskatchewan/Manitoba border west to Trade Lake, north to Reindeer Lake and south to Sturgeon Landing. The PBCN territory located within Saskatchewan is critical to sustaining the culture, lifestyle and traditions of PBCN and its members. Not only do PBCN members currently rely on the right to harvest fish, wildlife and plants for subsistence purposes, our members have harvested wildlife as a traditional economic resource activity in all seasons throughout our territory.

Under our treaty, PBCN members also have the right to sustain cultural practices, lifestyle and traditions by preserving and accessing heritage resources such as: access to migration routes, waterways; trap lines and/or subsistence trapping of fur-bearing animals; traditional medicines; raw materials such as bark, wood, stone, bone, fibers and dyes; place names, stories and where they connect with the land; preservation of camps, trails, caches, sacred and burial sites; traditional knowledge; and archaeological and historical sites.

A full and accurate description of PBCN's rights and interests is an essential part of the Wheeler dEIS and is necessary to ensure a fulsome environmental assessment. PBCN is interested in the opportunity to collaborate with Denison Mines to comprehensively identify PBCN's rights and interests that may be impacted by the Project.

Engagement with PBCN

It is PBCN's expectation that inclusion of Indigenous Knowledge in the EIS should not be limited to a description of land uses but should contribute to all valued components where relevant information is shared or provided. The Wheeler dEIS, as submitted, fails to include PBCN territory or land uses proximate to the project and regional study areas.

Meaningful engagement requires an "exchange of views" (R. v. Sparrow, 1990, SCC 104, at 1114). CNSC and Denison must provide a reasonable amount of time for the identification and analysis of potential adverse impacts of the Project including cumulative effects on PBCN territory and PBCN members exercise of their Indigenous rights. This must include adequate engagement with PBCN on mitigation strategies to address these impacts. Currently neither Denison, the CNSC or PBCN have the necessary information to adequately, and mutually, understand the potential adverse impacts, the severity of those impacts, proposed mitigation, and residual effects.

We ask the CNSC to ensure that its review timelines be adjusted, as required, to ensure fulsome participation by PBCN with the proponent and the regulator, going forward.

Preliminary Concerns

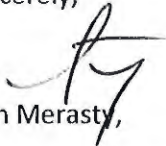
PBCN has concerns regarding potential impacts to Valued Components including but not limited to water quality, fish, wildlife, aquatic vegetation, Human health, country food consumption, resource use, and socio-economic factors.

Areas of specific concern are:

- Potential impacts to the landscape as a whole, including aquatic and terrestrial environments.
- Effects on the growing/carrying capacity of both aquatic and terrestrial environments for Country Foods because of potential changes to the landscape including the risk of introduction of contaminants.
- Potential accident/spills impacts on the harvesting of plant specific country foods.
- Limitations to access lands for country food harvesting due to mining traffic or operation of the mine.
- Denison's proposed use of freshwater from Whitefish Lake.
- Potential impacts to boreal shield woodland caribou.
- Treatment of mine contact effluent associated spills containment, and the anticipated downstream impacts. PBCN has a specific interest in the potential impacts to the interconnected waterbodies that PBCN relies on in the exercise of its indigenous rights.
- Socio-economic impacts that may result from the Project, including a 300-person construction camp, and a 180 person operations camp and related impacts to vulnerable populations.
- Lack of detail on the proposed means and haul route of yellowcake product to market.
- Employment opportunities for PBCN members and procurement opportunities for PBCN Group of Companies.
- Ensuring PBCN participation in the development and execution of the long-term environmental effects monitoring and follow up programs.

PBCN would like to work collaboratively and efficiently with Denison to develop a shared understanding of PBCN impacts and interests. Our common goal is to ensure that the Wheeler regulatory review will result in an environmentally responsible and sustainable Project. This cannot be accomplished without active engagement with PBCN including appropriate capacity funding. Though Northern Saskatchewan is often characterized as remote, it is de facto an interconnected ecosystem that PBCN relies upon for its continued environmental, social, and economic wellbeing. We look forward to working together with Denison and the CNSC to build mutual understanding and support for the Project.

Sincerely,



Ben Merasty,
Executive Director

c.c. Ted Merasty, Director of Lands and Resources PBCN
Patricia McCunn-Miller, President Blue Bridge Energy Ltd

Denison Mines Wheeler River Project



Peter Ballantyne Cree Nation Traditional Territory

Legend

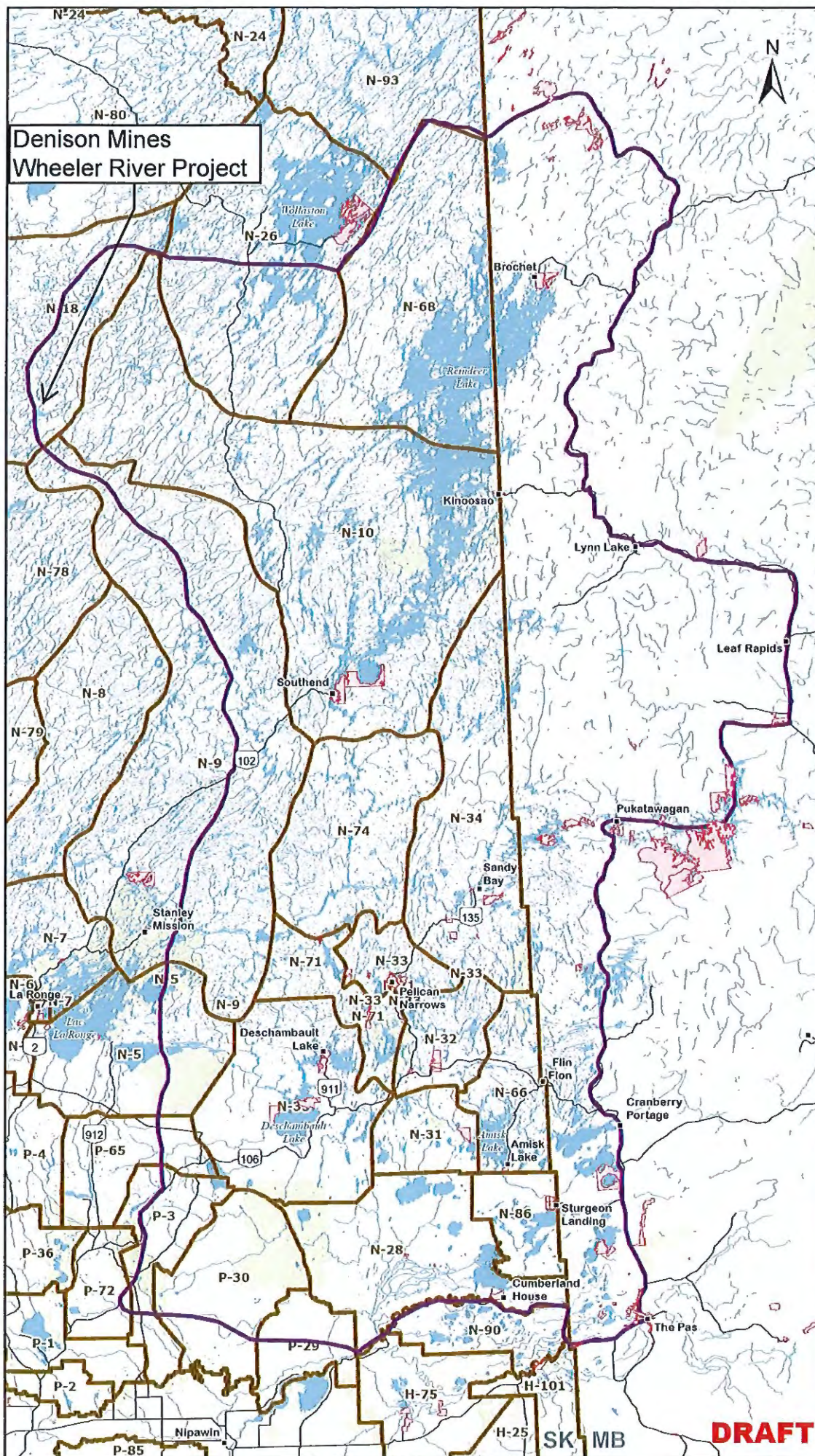
- Traditional Territory
- Reserve
- Furblocks (SK)
- Community
- Road
- Watercourse
- Waterbody
- Park/Protected Area



1:2,500,000
0 25 50 Km

Map produced by the Firelight Group on Wednesday, February 8, 2023. Base data originate from Environment and Climate Change Canada and Natural Resources Canada. Base map originates from ESRI. Traditional Territory Digitized on February 1, 2023. Map projected to NAD1983 UTM Zone 13N.

This map does not fully capture the relationship of the Peter Ballantyne Cree Nation community to their traditional lands or the extent of the practice of treaty and aboriginal rights. This map is a living document and is intended to be amended and refined over time. The data from this map originate from multiple sources. This map is property of the Peter Ballantyne Cree Nation and may only be reproduced with written permission.





PETER BALLANTYNE CREE NATION

Chief Joseph Custer Reserve - 2300 - 10th Avenue West
P.O Box 2320, Prince Albert, Saskatchewan, Canada S6V 6Z1
Phone: (306) 765-5388 · Fax: (306) 922-1450



October 5, 2023

Ms. Jes Way
Environmental Assessment Officer
Canadian Nuclear Safety Commission
Email: wheellerriver@cnsccsn.gc.ca

Re: Denison Mines – Wheeler River Project

Dear Ms. Way,

We write as a follow-up to our letter dated March 3, 2023 and our meeting with you on June 23, 2023 in Saskatoon, SK to propose next steps with respect to engagement on the Wheeler River Project (the "Project").

Background

As you are now aware, the Project is located within the traditional territory of PBCN. PBCN has expressed that it is deeply concerned that it has not had the opportunity or been provided adequate resources to meaningfully engage with either the Crown or Denison Mines Corp. (Denison) and understand the potential impacts on PBCN's aboriginal and treaty rights. While PBCN appreciates the preliminary funding provided by CNSC, this funding is insufficient to support a robust and technical review to ensure PBCN has the resources to fully understand the Project and the potential impacts to PBCN's aboriginal and treaty rights. PBCN is concerned that the Project will:

- have a negative impact on the abundance of wildlife in the area, including fish, game and furbearers;
- have a negative impact on PBCN members gathering medicinal plants;
- increase access by non-PBCN members to our remote hunting and trapping lands;
- negatively impact the PBCN furblock located proximate to the Project; and
- disturb, pollute or interrupt the interconnected waterbodies in the area, including impacts to rivers, lakes, wetlands and streams ;

Since we met with you, PBCN has pursued a meeting with Denison Mining Ltd. on September 20, 2023 (the "Denison Meeting"). Prior to and during that meeting, PBCN requested capacity funding on a cost-recovery basis from Denison so that PBCN could retain subject matter experts to support PBCN on this highly specialized and technical multi-phased Project to ensure that PBCN not only understood the Project but could communicate this understanding to PBCN members by holding community meetings, as well as, collectively identify means to avoid, mitigate, or otherwise address potential negative impacts of the Project on PBCN's territory and the exercise of PBCN's aboriginal and treaty rights.

Denison agreed to cover the onetime costs of PBCN representatives traveling from their respective communities to attend the Denison Meeting but has rejected all PBCN efforts to develop a workplan and to meaningfully engage with a funding agreement. PBCN has expressed to Denison that the lack of PBCN capacity in its Lands and Resources Department, coupled with the failure of Denison to financially support PBCN retaining experts to assist PBCN in gaining the necessary capacity to understand the Project and its potential impacts, has left PBCN in a position where it cannot meaningfully participate in the Crown's consultation framework because it simply does not have the capacity or the financial resources to retain the experts required to facilitate an informed discussion and identify appropriate mitigation and monitoring measures. Meaningful engagement with PBCN requires that PBCN have the capacity and resources to review the Project so that it can independently review and determine potential impacts to treaty and aboriginal rights.

PBCN's experience is that Denison is unwilling to engage with PBCN unless specifically directed to do so by CNSC. Denison is taking an unreasonably narrow view of the potential impacts as only being site-specific. The ISR technology, selected by Denison for the Project, is new and novel mining technology in Canada. PBCN must have appropriate support to allow it to develop its understanding of ISR and the related processing for the Project. While Denison has reached its own conclusions about potential impacts to PBCN, it has not appropriately engaged with or provided the funding to support meaningful engagement with PBCN. Absent meaningful engagement, including an informed exchange of views between the parties, PBCN cannot determine whether the Project is likely to cause environmental and socio-economic impacts to PBCN and its constitutionally protected aboriginal and treaty rights.

Proposed Next Steps

Because PBCN was erroneously excluded from the initial assessment of the indigenous communities that should be considered for purposes of consultation on this Project, Denison has stated that it is unwilling to:

- i) scope PBCN into this list unless required by and directed to do so by CNSC, and
- ii) provide PBCN with capacity funding to support a meaningful assessment of the Project and its impact on PBCN's aboriginal and treaty rights.

PBCN respectfully requests that,

1. CNSC add PBCN as an indigenous community of interest for the purposes of consultation on the proposed Project,

2. CNSC require Denison to amend the draft Environmental Impact Statement to reflect the addition of PBCN as an indigenous nation with an interest in this CNSC-regulated facility,
3. CNSC require Denison to provide an assessment of the potential impacts of the proposed Project on PBCN's aboriginal and treaty rights. This information should include:
 - a. how Denison made its preliminary assessment of potential impacts on PBCN's aboriginal and treaty rights in respect of the proposed Project,
 - b. what specific information it considered in making such a determination (we note that Denison may have to conduct a Traditional Land and Resource Use Study to understand the full extent of PBCN's aboriginal and treaty rights in the Project area),
 - c. the specific types of disturbances to land, water, fish and wildlife resources Denison identified, and
 - d. how the proposed Project may potentially limit PBCN's exercise of its aboriginal and treaty rights, and
4. Upon receipt of the foregoing information, PBCN would be willing to work with CNSC and Denison to identify ways to minimize the impact of the proposed Project activities on PBCN's aboriginal and treaty rights or, where mitigation is not possible or adequate, to develop appropriate accommodation strategies for such unmitigated impacts.

Duty of the Crown

As you know, The Crown has an obligation to meaningfully consult with PBCN and such consultation cannot occur until CNSC understands the potential adverse impacts of the Project on PBCN's aboriginal and treaty rights.

Any CNSC EA and licensing decision regarding the Project must be done in a manner which reconciles the exercise of treaty and aboriginal rights by PBCN and, where appropriate, accommodates PBCN and its members for these impacts.

PBCN's cultural identity and community wellness is inextricably linked to environmental sustainability and resiliency by PBCN members to meet their current subsistence needs while ensuring the needs of future generations will also be met. PBCN has codified some of its beliefs in the following proclamation which all PBCN leaders adhere to,

"The foundations of the Peter Ballantyne Cree Nation are rooted in the sacred gifts from our Creator, our culture and Elders' teachings, our faith and knowledge of our inherent and Treaty rights. It is therefore essential to declare:

Our Creator put us here as the Peter Ballantyne Cree Nation and He gave us laws that govern all of our relationships so that we may live in harmony with nature and mankind. Our Creator also gave us a place on earth to provide us with all our needs so that we may live and prosper.

Our Creator granted us governmental and jurisdictional rights, including the inherent right to govern our Peter Ballantyne territories which include our lands, resources, air ...

PBCN remains committed to participating in the CNSC-led consultation process and engaging in ongoing dialogue with CNSC so as to foster a transparent, enduring relationship built on trust, but PBCN cannot

do this until Denison and CNSC have recognized PBCN's lands, aboriginal and treaty rights and have gathered the information necessary to understand and assess the potential impacts the Project will have on PBCN's aboriginal and treaty interests. The CNSC must ensure that its environmental assessment and licensing decisions uphold the honour of the Crown and consider PBCN's potential or established Indigenous and treaty rights pursuant to section 35 of the Constitution Act, 1982. This requires that PBCN be scoped into the Project consultation as an Indigenous community that must be consulted having regard to the decided law, the provisions of CEAA 2012 and the potential impacts of the Wheeler River Project, the largest undeveloped uranium project in the Athabasca Basin in Northern Saskatchewan. Meaningful engagement with PBCN on the Wheeler River Project must be underpinned by a capacity funding agreement with Denison to support PBCN participation in the EA process.

Sincerely,



Ben Merasty,
Executive Director

c.c. Ted Merasty, Director of Lands and Resources PBCN
Patricia McCunn-Miller, President Blue Bridge Energy Ltd



PETER BALLANTYNE CREE NATION

Chief Joseph Custer Reserve - 2300 - 10th Avenue West
P.O Box 2320, Prince Albert, Saskatchewan, Canada S6V 6Z1
Phone: (306) 765-5388 · Fax: (306) 922-1450



December 13, 2023

Ms. Nana Kwamena
Director, Environmental Review Division
Canadian Nuclear Safety Commission
Email: wheelerriver@cnsccsn.gc.ca

Re: Denison Mines – Wheeler River Project

Dear Ms. Kwamena,

Thank you for your response of November 24, 2023 to PBCN's request dated October 5, 2023 that it be scoped in as a First Nation potentially impacted by the Wheeler River Project (Project).

As discussed, CNSC and PBCN have agreed on the following next steps:

- (1) PBCN will provide CNSC with *preliminary* information regarding PBCN's traditional land and resource use, as discussed at our meeting in June. We note that this information will be provided on a map and the work to finalize this map is underway. PBCN is only developing this map for internal federal government purposes. Developing a map of this nature is antithetical to PBCN's approach to governance and culture as PBCN's leaders have historically relied completely on sharing oral stories. It is our expectation that we may be able to provide additional fur block, wildlife usage, camp and cabin locations and medicine use. The production of this map further underscores the necessity of adequate capacity funding as PBCN intends to use the second portion of the CNSC capacity funding to support our work on this map.
- (2) PBCN and CNSC will meet to review the additional information and deepen CNSC's understanding of PBCN lands, resources and uses.
- (3) PBCN will again request capacity funding from Denison to retain external experts to assist PBCN in the preparation of a Traditional Land, Resources and Uses (TLRU) report. Importantly, we note that the map that we are currently preparing will provide only high-level preliminary information. A TLRU would provide critical information for the record of proceedings and assist Denison in assessing the potential impacts of the Project on PBCN's Aboriginal and treaty rights and interests. As discussed, the capacity funding provided by the CNSC is not sufficient to complete this TLRU and will likely all be used to develop the high-level, preliminary map and ongoing engagement with the CNSC. Further, it is our view that without the TLRU, the proponent cannot meaningfully assess the potential impacts of the Project on PBCN's Aboriginal and treaty rights and

interests and therefore, without such information, no decision should be made on the project.

PBCN urgently requests that the CNSC advise Denison to negotiate capacity funding with PBCN for the preparation of the PBCN TLRU. As noted above, without a TLRU, Denison does not have sufficient information to properly assess the impacts of the Project on PBCN's rights and interests and discharge its delegated Indigenous consultation under the Crown duty to consult.

PBCN reiterates that the Crown duty to consult has not been discharged by the CNSC and its delegate Denison as it relates to PBCN's treaty and Aboriginal rights and interests potentially impacted by the Project. PBCN has directly expressed to the regulator and to Denison that it requires capacity funding, separate from the CNSC Participant Funding Program, to support its review, analysis, and exchange of views on the Project. Denison opining that there are no potential impacts to PBCN is not a meaningful exchange of views, particularly in the absence of a PBCN TLRU. There is an unfair asymmetry in financial and professional resources between Denison and PBCN. Denison offering to meet with PBCN but not providing capacity funding to equip PBCN to meaningfully engage in such meetings, is a hollow offer.

We would like to meet with CNSC as soon as possible to execute on the agreed next steps and urge the CNSC to actively support our request for capacity funding for the preparation of a PBCN TLRU.

Finally, we note that the CNSC should have received a report from PBCN on its expenditures related to the first tranche of capacity funding provided by the CNCS. We respectfully request that the second tranche of capacity funding from the CNSC be provided to PBCN as soon as possible to support our engagement with the CNSC on the Project and the completion of the map referred to above.

Yours very truly,



Ben Merasty,
Executive Director

c.c. Ted Merasty, Director of Lands and Resources PBCN
Patricia McCunn-Miller, President Blue Bridge Energy Ltd
Chani Campbell, Aldridge + Rosling LLP
Brienne Paulin, Aldridge + Rosling LLP
Jes Way, Environmental Assessment Officer, Canadian Nuclear Safety Commission



PETER BALLANTYNE CREE NATION

Chief Joseph Custer Reserve - 2300 - 10th Avenue West
P.O Box 2320, Prince Albert, Saskatchewan, Canada S6V 6Z1
Phone: (306) 765-5388 · Fax: (306) 922-1450



October 4, 2024

Ms. Nana Kwamena
Director, Environmental Review Division
Canadian Nuclear Safety Commission
Email: wheelerriver@cnsccsn.gc.ca

Ms. Jes Way
Senior Assessment Officer
Canadian Nuclear Safety Commission
Email: jessica.way@cnsccsn.gc.ca

Re: Denison Mines – Wheeler River Project (the “Project”)

Dear Ms. Kwamena and Ms. Way,

Further to our letter of December 13, 2023 PBCN wishes to confirm that it has used the capacity funding provided by the Canadian Nuclear Safety Commission (“CNSC”) in January 2024 to partially offset the costs of retaining the Firelight Group to assist PBCN in interviewing PBCN Members and preparing more detailed mapping in and around the Project area (the “Map”).

PBCN has now identified PBCN’s traditional and current land uses in and around the Project area, as well as, the uses by PBCN members for food or cultural practices or for hunting, fishing and trapping in and around the Project area.

Our preliminary review of the proposed Project indicates that the proposed Project will:

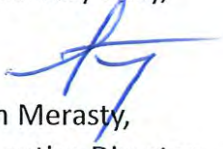
- infringe and unreasonably limit our constitutionally protected Aboriginal and treaty rights;
- diminish our ability to exercise our rights by our preferred means;

We would like to meet with you over the coming weeks in Saskatoon to review the Map and supporting materials and discuss the next steps on engagement with the proponent, CNSC, and the Environmental Assessment Branch (Saskatchewan) (“EASB”).

Please be advised that PBCN takes the position that the federal or provincial government may not approve the proposed Project without first understanding PBCN’s interests.

We would like to meet with CNSC and EASB as soon as possible to provide an overview of the Map and PBCN interests, receive an update on the regulatory process for the Project, and determine the agreed next steps.

Yours very truly,



Ben Merasty,
Executive Director

c.c. Ted Merasty, Director of Lands and Resources PBCN
Marg Rosling, Aldridge + Rosling LLP
Chani Campbell, Aldridge + Rosling LLP



PETER BALLANTYNE CREE NATION

Chief Joseph Custer Reserve - 2300 - 10th Avenue West
P.O Box 2320, Prince Albert, Saskatchewan, Canada S6V 6Z1
Phone: (306) 765-5388 - Fax: (306) 922-1450



November 7, 2024

Ms. Jes Way
Senior Assessment Officer
Canadian Nuclear Safety Commission
Email: jessica.way@cnscccsn.gc.ca

Re: Denison Mines Corp. ("Denison")– Wheeler River Project (the "Proposed Project")

Dear Ms. Way,

We appreciated the opportunity to meet on October 29, 2024 to respond to CNSC's request for evidence of PBCN's traditional and current use in the vicinity of the Proposed Project. As you know, PBCN retained the Firelight Group in February 2024 to work with PBCN on developing a preliminary traditional land use map (the "Map").

This preliminary work has taken PBCN over eight months and has included in depth interviews with many PBCN members who have and continue to exercise their Aboriginal and Treaty rights in PBCN territory. In addition to the capacity funding from CNSC, the project has required over \$50,000 of PBCN's own limited financial resources. PBCN's mapping project is ongoing and we expect that the next phase will focus on incorporating historical archival evidence and undertaking more in-depth interviews with PBCN members.

However, in the interests of ensuring that PBCN is appropriately consulted in the regulatory process for the Proposed Project, in addition to the map circulated during our meeting, PBCN wishes to provide CNSC with a summary of the information collected to date in respect of the exercise of rights and interests in the Proposed Project area and surrounding areas. . We are providing this summary on the understanding that this information is preliminary and that PBCN will be refining and building upon this work with the ultimate goal of developing a comprehensive multi-layered map of PBCN's Aboriginal and Treaty interests in Northern Saskatchewan, Manitoba, and Northwest Territories. The Map and a preliminary summary of the evidence of PBCN Aboriginal Rights is appended hereto as Schedule "A" and is provided to CNSC on a confidential basis under the confidentiality agreement between CNSC and PBCN dated November 4, 2024 (the "**Confidentiality Agreement**").

As PBCN has indicated on numerous occasions, it is beyond doubt that PBCN has (and always has had) Aboriginal rights in the vicinity of the Proposed Project and in areas that may be impacted by the effects of the Proposed Project. It is also beyond doubt that PBCN members have exercised these rights since time immemorial and continue to exercise these rights. PBCN continues to be deeply concerned that the Proposed Project may have significant adverse effects on PBCN's Aboriginal and treaty rights, and that the regulatory process for the Proposed Project to date has not even begun to assess these potential effects.

PBCN has repeatedly expressed its frustration with Denison's assertion that their Proposed Project will have no potential impacts on PBCN, without a meaningful exchange of information. As we have discussed, there is an unfair asymmetry in financial and professional resources between Denison and PBCN. Denison's offers to meet with PBCN in the absence of capacity funding to equip PBCN to meaningfully engage in such meetings, is a hollow offer. We urge the CNSC to actively support our request for capacity funding for the preparation of a PBCN TLRU and development of mitigation strategies to reduce the impact of the Proposed Project on PBCN's aboriginal and treaty rights.

Given the foregoing and the summary attached hereto, PBCN respectfully requests that CNSC:

1. require Denison amend the draft EIS to add PBCN as an Indigenous Nation with an interest in this proposed Project;
2. require Denison to provide an assessment of the potential impacts of the proposed Project on PBCN's Aboriginal and Treaty rights in accordance with those rights outlined at Schedule "A" and the TLRU. Information should include:
 - a. how Denison made its preliminary assessment of potential impacts on PBCN's aboriginal and treaty rights in respect of the proposed Project,
 - b. what specific information it considered in making such a determination;
 - c. the specific types of disturbances to land, water, fish and wildlife resources Denison identified, and
 - d. how the proposed Project may potentially limit PBCN's exercise of its aboriginal and treaty rights.

3.

advise Denison to negotiate capacity funding with PBCN for the preparation of the PBCN Traditional Land & Resource Use study ("TLRU") and so PBCN can retain subject matter

experts to support the collaborative development of mitigation strategies.

Without the above-noted information being collected and assessed by Denison, it is PBCN's view that the CNSC is unable to properly consult PBCN on the potential impacts of the Proposed Project on PBCN's rights and interests and, where appropriate, accommodate PBCN in respect of those impacts.

We enclose the Confidentiality Agreement which governs the information contained in Schedule "A".

Yours very truly,



Ben Merasty,
Executive Director

c.c. Ted Merasty, Director of Lands and Resources PBCN
Marg Rosling, Aldridge + Rosling LLP
Chani Campbell, Aldridge + Rosling LLP

Schedule "A"

Summary of Evidence of PBCN Aboriginal Rights
Firelight Draft Memo dated August 7, 2024, revised October 9, 2024

CONFIDENTIAL

Treaty Land Entitlement Selection	Cultural	<p>PBCN's connection with the Athabasca Basin since time immemorial resulted in PBCN selecting 13.760 acres near the eastern edge of the Athabasca Basin near Dawn Lake, Rabbit Lake and Wollaston Lake (the "Asamera TLE"). The Provincial Crown was notified of this selection on October 14, 1998 and the Asamera TLE area was frozen starting January 13, 1999.</p> <p>There are comprehensive letters from the Ministry of Environment (Saskatchewan) to PBCN dated February 16, 2004 relating to a selection on Brabant Lake (Lat: 56° 8' and Long: 103 ° 42') and on October 17, 2007 relating to 13.760 acres located at Lat: 58° 20' and Long: 103 ° 50').</p> <p>Indigenous nations who did not receive all the land they were entitled to under the treaties are entitled to file a TLE claim. As PBCN has explained to the Crown, despite the fact that PBCN is a signatory to Treaty 6, the vast majority of PBCN's interests lay in Treaty 10 territory. The selection of the Asamera TLE in Treaty 10 is an example.</p>
Grayling	Subsistence	<p>PBCN members fish grayling from Wollaston Lake and surrounding lakes</p>
Walleye	Subsistence	<p>PBCN members fish walleye from Wollaston Lake and surrounding lakes</p>
Trout	Subsistence	<p>PBCN members fish trout from Wollaston Lake and surrounding lakes</p>
Northern Pike	Subsistence	<p>PBCN members fish pike from Wollaston Lake and surrounding lakes</p>
Drying Rack	Cultural	<p>PBCN members in the past would dry the fish they would net here along the shores.</p>

Food storage (cache)	Cultural	PBCN members in the past would store dried fish and other food here.
Medicinal plants	Cultural	PBCN members have harvested medicinal plants in and near the Project area since time immemorial.
Environmental feature corridor	Environmental	The Project area has been identified as an area known to be a caribou crossing.
Moose	Subsistence	Numerous PBCN members have harvested moose in and around Project area.
Caribou	Subsistence	Numerous PBCN members have harvested caribou in and around Project area.
Duck/mallard	Subsistence	PBCN members use this area to harvest duck (mostly in the Fall).
Geese	Subsistence	PBCN members use this area to harvest geese (mostly in the Fall).
Trapping	Cultural	PBCN members have trapped lynx near the Project.
Temporary habitation	Habitation	PBCN members have camped at Wollaston Lake and surrounding areas.
Fungus	Cultural	PBCN members harvested chaga in vicinity of Project
Pictograph	Cultural	PBCN members have identified rock paintings in areas near the Project area. [NTD: Need to confirm. Have sent note to researcher.]
Place name	Cultural	A Cree name is used for areas near the Project area. [NTD: need to confirm. Have sent note to researcher].
Rat root (weecay)	Cultural	PBCN harvests rat root in vicinity of Project
Lynx	Subsistence	PBCN members set traps for lynx near the Project.
Teaching area	Cultural	The areas in vicinity of Project have been and are used as a teaching area for fishing, trapping and harvesting.
General trapping area	Cultural	Numerous PBCN Members trap muskrat and beaver in vicinity of Project.

CONFIDENTIAL

From: [Chani Campbell](#)
To: ["Way, Jessica"](#)
Cc: ["Boser, Sydney"; "Ben Merasty"; "Ted Merasty"](#)
Subject: No response from Denison Mining

Hi Jes,

Following our last meeting, the CNSC encouraged PBCN to provide the results of its mapping project and the interviews with PBCN members. PBCN has since complied with this request; however, nearly a month has passed, and Denison has yet to make itself available for a meeting to discuss the impacts of the Wheeler River Project on PBCN's Aboriginal or treaty rights.

As PBCN has communicated to the CNSC on multiple occasions, Denison has been dismissive of the potential impacts of the project on PBCN's rights and has not made any meaningful efforts to understand or address these concerns in good faith. This delay merely underscores PBCN's point. It is clear that Denison will not take any action unless explicitly directed to do so by the CNSC.

We kindly request that the CNSC intervene and direct Denison to meet with PBCN and enter into a capacity funding agreement to cover the costs of PBCN's engagement.

Finally, PBCN will be sending CNSC its additional mapping for inclusion in your EA report this week. The mapping directly overlaps the Project site and show extensive trapping and hunting by PBCN members over the Project area.

Regards,

Chani Campbell

Aldridge + Rosling LLP
Barristers & Solicitors
Suite 1320 - 999 W. Hastings St.
Vancouver, BC, V6C 2W2
Ph: 604.605.5555 ext. 232 | Fax: 604.684.6402
Email: ccampbell@arlaw.ca

-

This message and any accompanying attachments are intended only for the use of the intended recipients, and may contain information that is confidential and subject to solicitor client privilege. Any use, distribution, copying or disclosure by unintended recipients is strictly prohibited. If you have received this message in error please delete it and the attachments immediately without making any copies and contact us by telephone or email.

From: Way, Jessica <jessica.way@cnscccsn.gc.ca>
Sent: Tuesday, April 1, 2025 12:46 PM
To: Chani Campbell <CCampbell@arlaw.ca>
Cc: Boser, Sydney <sydney.boser@cnscccsn.gc.ca>
Subject: RE: Follow Up - Attendees for PBCN Meeting

Hi Chani,

I spoke with Brianne England (Denison's Regulatory Manager) on Monday and I told her about the meeting, that we expected additional follow up information from PBCN (as you noted as part of your phase two), and that we are planning to incorporate information shared by PBCN as views expressed in our EA report. I also advised her that they should be expecting to hear from PBCN as well, and she was planning to share this with Carolanne Inglis-McQuay (the lead on the Indigenous consultation).

We are also meeting with them on Wednesday and I will share this as an update to the broader team.

Please do initiate conversation with Denison.

Thanks,
Jes

From: Chani Campbell <CCampbell@arlaw.ca>
Sent: Tuesday, April 1, 2025 3:19 PM
To: Way, Jessica <jessica.way@cnscccsn.gc.ca>
Cc: Boser, Sydney <sydney.boser@cnscccsn.gc.ca>
Subject: RE: Follow Up - Attendees for PBCN Meeting

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Jes,

Let me review the list with Ted.

Can you or Sydney confirm that you advised Denison Mining that CNSC is consulting with PBCN? PBCN wanted to send a follow up note to Denison.

Thanks,

Chani Campbell

Aldridge + Rosling LLP
Barristers & Solicitors
Suite 1320 - 999 W. Hastings St.
Vancouver, BC, V6C 2W2
Ph: 604.605.5555 ext. 232 | Fax: 604.684.6402
Email: ccampbell@arlaw.ca

This message and any accompanying attachments are intended only for the use of the intended recipients, and may contain information that is confidential and subject to solicitor client privilege. Any use, distribution, copying or disclosure by unintended recipients is strictly prohibited. If you have received this message in error please delete it and the attachments immediately without making any copies and contact us by telephone or email.

From: Way, Jessica <jessica.way@cnscccsn.gc.ca>
Sent: Tuesday, April 1, 2025 7:34 AM
To: Chani Campbell <CCampbell@arlaw.ca>
Cc: Boser, Sydney <sydney.boser@cnscccsn.gc.ca>
Subject: Follow Up - Attendees for PBCN Meeting

Hi Chani,

It was great getting to meet in person last week – we were pleasantly surprised by the large number of attendees, so please pass along our thanks to Ben, Vice Chief Justin Halcrow, and all of the council members that were able to attend. It was really great to get everyone in the room.

We are working on compiling some notes from the meeting, including some more formal responses to PBCN's questions to ensure we have answered everything. Would it be possible to get a full list of attendees? We want to ensure we didn't get any of the names wrong or miss anyone, especially because people were popping in or out.

- Ben Merasty (Executive Director Lands Dept for PBCN)
- Vice Chief Justin Halcrow
- Pauline Bedard (Executive Secretary to Chief Beatty)
- Kevin Morin (Council for Southend)
- Jeremy Morin (Council for Southend)
- Justin Beatty (Council for Deschambault Lake)
- Timothy Underwood (Council for Sandy Bay)
- Francis Highway (Council for Pelican Narrows)
- Leon Dorion (Council for Pelican Narrows)
- Jeremy Warren (Southern, Legal Advisor for PBCN)
- Chani Campbell (Legal Counsel for PBCN)
- Connie Agnew (Senior Planning Ecologist, LG Limited)

Thanks, and apologies if any of the above is incorrect.

Jes

Jes Way, MEnv, PMP
(she / her / elle)

Environmental Review Officer | Agente d'examen environnementale

Environmental Review Division | Division de l'examen de l'environnement
Canadian Nuclear Safety Commission | Commission canadienne de sûreté nucléaire
Jessica.Way@cnsccsn.gc.ca | Tel: 343-540-6213
British Columbia, Core Hours: 9:30am – 5:30pm ET | 6:30am – 2:30pm PT

My work hours might not be the same as your work hours – please reply at your convenience.

4.6 Engagement Activities with Peter Ballantyne Cree Nation

Peter Ballantyne Cree Nation has reviewed and provided feedback on Section 4.6 of the Consultation Report. CNSC staff note that the issues and concerns listed in Section 4.6.2 are views of the Peter Ballantyne Cree Nation.

4.6.1 Background on Peter Ballantyne Cree Nation



Figure 12: PBCN Logo

The Peter Ballantyne Cree Nation (PBCN) is a Woodland Cree First Nation in northern Saskatchewan consisting of eight communities: Denare Beach (located in Treaty 6), Deschambault Lake (located in Treaty 6), Kinoosao (located in Treaty 10), Pelican Narrows (located in Treaty 10), Prince Albert (located in Treaty 6), Sandy Bay (located in Treaty 10), Southend (located in Treaty 10) and Sturgeon Landing (located in Treaty 10). The PBCN are called Assin'skowitiniwak or Rocky Cree. Assin'skowitiniwak means "people of the rocky area." PBCN is a signatory of Treaty 6 though the majority of its reserves are in the geographic boundary of Treaty 10.

An analysis of PBCN communities and their distances to the proposed Project area was undertaken by Denison. In terms of direct linear distance and travel distance by existing transportation routes (i.e., road and vehicle distances) in relation to the project location, the following information is provided: Amisk Lake (Denare Beach) (direct linear distance = 375 km; travel distance by existing transportation routes = 750 km), Deschambault Lake (direct linear distance = 310 km; travel distance by existing transportation routes = 650 km), Kinoosao (direct linear distance = 200 km; travel distance by existing transportation routes = 1,520 km), Pelican Narrows (direct linear distance = 296 km; travel distance by existing transportation routes = 715 km), Prince Albert (direct linear distance = 485 km; travel distance by existing transportation routes = 615 km), Sandy Bay (direct linear distance = 287 km; travel distance by existing transportation routes = 785 km), Southend (direct linear distance = 180 km; travel distance by existing transportation routes = 700 km), Sturgeon Landing (direct linear distance = 425 km; travel distance by existing transportation routes = 850 km).

[PBCN NTD: Please confirm that CNSC is including the transportation route distance and direct linear distance for every indigenous nation referenced in your consultation report. If not, please

remove this as the linear distance has no bearing on the impact to PBCN's Aboriginal and treaty rights.]

PBCN first expressed interest in the Project in 2022 when they applied for PFP to facilitate review of the draft EIS. PBCN received funding in 2022, and they submitted a summary letter regarding high level concerns on the project to CNSC. CNSC staff began direct engagement with PBCN in 2022 as they provided a letter dated March 3rd, 2023, addressed to the CNSC which expressed their further interest on the Project.

[PBCN NTD: This is an incomplete summary of the March 2023 correspondence, PBCN not only expressed interest, PBCN indicated why it was an impacted indigenous nation who exercise Aboriginal and Treaty rights in the Project area. To ensure that an accurate representation is made in the CNSC Consultation Report, please insert excerpt from March 3, 2023 letter instead of paraphrasing as follows:

In March 2023, PBCN sent a letter to CNSC stating, "For the record:

- PBCN territory encompasses Treaty 10.
- PBCN has potential or established Indigenous Rights within the Project Area.
- PBCN community of Southend is proximate to the Project having regard to conditions and the geography of Northern Saskatchewan. Southend is 185 km away, in a straight line, from the Project.
- PBCN has known traditional territory and has exercised aboriginal rights in and around the Project site.
- PBCN not only has the potential to exercise its Indigenous/Treaty Rights in proximity to the Project but is currently doing so."]

PBCN was not initially identified as a Nation with potential rights or interests in relation to the Project as, based on available data and the lack of information shared, the Project was not within their traditional territory and was not a Project or area of interest related to their rights.

[PBCN NTD: To ensure that an accurate representation is made in the CNSC Consultation Report, please insert excerpt from PBCN's letter of May 16, 2025 regarding the Crown's imputed and actual knowledge of PBCN's Aboriginal and treaty rights as follows:

In its letter of May 15, 2025 PBCN expressed frustration that PBCN had not originally been identified as a Nation with potential rights or interests in relation to the Project and stated, "...the Federal Crown has had real or imputed knowledge of PBCN's Aboriginal and treaty rights in the Proposed Project area for over a century, including:

- A. In 1876, Canada entered into a treaty at Fort Pitt and Fort Carlton with certain Indian tribes and bands including the Plain and Wood Cree Tribes of Indians (“**Treaty 6**”). The James Roberts Band and other members of the Wood Cree Tribe of Indians adhered to Treaty 6 through agreements signed in 1898 and 1899.
- B. In or about 1900, certain members of the James Roberts Band were constituted as a separate Band and became the Peter Ballantyne Cree Nation, a Band of Indians who share the culture and laws of the Assin’skowitiniwak (people of the rocky area) and the Woodland Cree language of northern Saskatchewan (“**PBCN**”).
- C. Though PBCN is an adherent to Treaty 6 the majority of PBCN’s reserves are located within Treaty 10.
- D. PBCN has a traditional territory that encompasses vast areas of Treaty 10 and a smaller portion of Treaty 5 and constitutes over 20,000 square miles in northern Saskatchewan and northwest Manitoba (“**PBCN Territory**”).
- E. The Proposed Project is located on the northwest corner of PBCN’s Territory.
- F. PBCN identified a potential area for a reserve (called Asamera) in the treaty land entitlement process that appears some 120km northeast of the Project area in the 1990’s.

Starting in 2016, Denison engaged with several Indigenous “Communities of Interest” regarding the Project. It initially focused on engaging with the English River First Nation, Kineepik Metis Local #9, the Sipishik Metis Local #37, and the A La Baie Metis Local #21. It then added Patuanak Metis Local #82 and Hatchet Lake First Nation. The criteria used by Denison to identify the Indigenous communities to be consulted include:

- Treaty 10 signatory (Treaty in which the Project is located);
- Potential or established Indigenous / Treaty Rights within the Project area;
- Geographic proximity of community and / or reserve land to the Project site;
- Known traditional territory in and around the Project site, including travel routes;
- History of relationship with operating companies, CNSC and the Province in relation to other projects located near the Project (McArthur River, Key Lake, Millennium); and,
- The potential for collective exercising of Indigenous / Treaty rights in proximity to the Project.

PBCN was not included as an indigenous community to be consulted despite the fact that PBCN meets the criteria identified by Denison and has

- a. Several reserves within Treaty 10 geographic boundaries,

- b. potential indigenous rights within the Project area,
- c. known tradition territory in and around the Project site, including travel routes, and
- d. the potential for the collective exercising of indigenous rights in proximity to the Proposed Project.”]

Based on additional information received in November 2024, CNSC staff acknowledge that the Project is located on the western tip of PBCN’s traditional territory. However, there has been limited information regarding PBCN’s traditional land use activities in the Project area.

[PBCN NTD: This is inaccurate. To ensure that an accurate representation is made in the CNSC Consultation Report, PBCN would like actual excerpts from its correspondence included to set and is waiving the terms of the confidentiality agreement and directing CNSC to include excerpts from PBCN’s correspondence, as well as, the list of PBCN’s Aboriginal and Treaty rights in the Project area identified in its November 7, 2024 letter as follows:

“In October 2023 PBCN sent a letter to CNSC identifying the following impacts, among others, “ have a negative impact on the abundance of wildlife in the area, including fish, game and furbearers; have a negative impact on PBCN members gathering medicinal plants; increase access by non-PBCN members to our remote hunting and trapping lands; negatively impact the PBCN furblock located proximate to the Project.”

From February 2024 to September 2024, PBCN worked with the Firelight Group to interview PBCN members and develop an evidence-based map of its traditional territory. In October 2024, PBCN sent a letter to CNSC stating, “PBCN has now identified PBCN’s traditional and current land uses in and around the Project area, as well as the uses by PBCN members for food or cultural practices or for hunting, fishing and trapping in and around the Project area.”

On November 7, 2024 PBCN sent a letter to CNSC identifying the following specific species and activities that PBCN members hunt, trap or gather and engage in around the Project site as follows:

Food storage (cache)	Cultural	PBCN members in the past would store dried fish and other food here.
Medicinal plants	Cultural	PBCN members have harvested medicinal plants in and near the Project area since time immemorial.

Environmental feature corridor	Environmental	The Project area has been identified as an area known to be a caribou crossing.
Moose	Subsistence	Numerous PBCN members have harvested moose in and around Project area.
Caribou	Subsistence	Numerous PBCN members have harvested caribou in and around Project area.
Duck/mallard	Subsistence	PBCN members use this area to harvest duck (mostly in the Fall).
Geese	Subsistence	PBCN members use this area to harvest geese (mostly in the Fall).
Trapping	Cultural	PBCN members have trapped lynx near the Project.
Fungus	Cultural	PBCN members harvested chaga in vicinity of Project
Rat root (weecay)	Cultural	PBCN harvests rat root in vicinity of Project
Lynx	Subsistence	PBCN members set traps for lynx near the Project.
Teaching area	Cultural	The areas in vicinity of Project have been and are used as a teaching area for fishing, trapping and harvesting.
General trapping area	Cultural	Numerous PBCN Members trap muskrat and beaver in vicinity of Project.”]

PBCN’s draft traditional territory map remains confidential [PBCN NTD: This is inaccurate and misleading. To ensure that an accurate representation is made in the CNSC Consultation Report, please include the following, “CNSC has had a copy of PBCN’s draft traditional territory map since October 29, 2024 though the map remains confidential to the general public. Further, on May 15, 2025 PBCN provided a Project specific map illustrating a direct and significant overlap between the exercise of PBCN’s Aboriginal and Treaty rights relating to hunting, trapping, and the proposed Project site.”]

Since 2023, PBCN was included on all key correspondence and opportunities for engagement and participation in the regulatory process listed in Table 2 above. PBCN has expressed concerns on the Project which will be included in Appendix issues tracking table. [PBCN NTD: This statement is incomplete. To ensure that an accurate representation is made in the CNSC Consultation Report, please insert the following, “Since 2022, PBCN has expressed concerns

about potential impacts of the Project on its Aboriginal and Treaty rights on the Project which will be included in Appendix issues tracking table. Furthermore, in its May 15, 2025 letter to CNSC, PBCN stated that , “... the regulatory process to date has failed to adequately assess these potential impacts, consider PBCN’s perspective and indigenous knowledge, incorporate a mechanism whereby PBCN can collaborate with the regulator and Denison to develop specific mitigation measures to address these adverse impacts.”] Key correspondence related to the engagement activities below is included in Appendix ____.

Table 8 Summary of the key engagement activities with Peter Ballantyne Cree Nation

Date	Engagement Activity
January 2022 – June 2022	PBCN applied and received PFP to review the draft EIS.
June 2022 – December 2022	CNSC emailed a letter informing PBCN of the upcoming feasibility field test, which is under Nuclear Substances and Radiation Devices Licence Application review.
June 2022 – December 2022	CNSC staff sent an email to PBCN to provide notice of the Denison Nuclear Substances and Radiation Devices (NSRD) Licence.
January 2023 – June 2023	<p>Emails were sent confirming the submission of the Wheeler River draft EIS and next steps of the process including the start of the public comment period.</p> <p>PBCN reached out to CNSC via phone call in February 2023 to indicate interest in the Project and inform the CNSC that they will be providing comments on the draft EIS and to request a two-week extension for the comment period which was granted.</p> <p>CNSC sent an email reminder to PBCN of the public comment period deadline for the draft EIS review. PBCN submitted comments on the draft EIS which were included in a summary letter to CNSC staff.</p> <p>[PBCN NTD: To ensure that an accurate representation is made in the CNSC Consultation Report, please include excerpt from the March 2023 letter,</p> <p>In March 2023, PBCN sent a letter to CNSC stating, “For the record:</p> <ul style="list-style-type: none"> • PBCN territory encompasses Treaty 10. • PBCN has potential or established Indigenous Rights within the Project Area. • PBCN community of Southend is proximate to the Project having regard to conditions and the geography of Northern Saskatchewan. Southend is 185 km away, in a straight line, from the Project. • PBCN has known traditional territory and has exercised aboriginal rights in and around the Project site. • PBCN not only has the potential to exercise its Indigenous/Treaty Rights in proximity to the Project but is currently doing so.”]

	<p>CNSC reached out in April 2023 with an offer to meet with PBCN and discuss their public comments on the draft EIS.</p> <p>In June 2023, CNSC staff met with PBCN in-person in Saskatoon to provide an introduction on the CNSC's mandate and regulatory process, as well as information on the project and answer any questions. CNSC staff and PBCN also discussed PBCN's comments on the draft EIS.</p> <p>Concerns were raised by PBCN that they were not included in the consultation and regulatory process from the beginning of the process in 2019, as well as concerns in relation to potential impacts on water downstream from the Project. PBCN shared information on their land use and traditional territory during this meeting and shared a map with the CNSC.</p> <p>[PBCN NTD: The foregoing statement is an incomplete summary of the June 2023 discussions. To ensure that an accurate representation is made in the CNSC Consultation Report, please include a sentence that PBCN indicated to CNSC at the June 2023 meeting that PBCN was updating this map]</p>
July 2023 – December 2023	<p>CNSC staff provided an update on the EIS completeness check for Wheeler River and an update on the EA process to PBCN.</p> <p>PBCN expressed concerns regarding funding needs. CNSC provided clarity with regards to the use of the existing funding that PBCN was awarded for purposes of engagement on the Project.</p> <p>In October 2023, PBCN sent a letter to CNSC indicating their concerns on the Project and frustrations with the lack of meaningful engagement by Denison and the CNSC.</p> <p>[PBCN NTD: The foregoing statement is an incomplete summary of the October 2023 letter. To ensure that an accurate representation is made in the CNSC Consultation Report, please also include an excerpt from the October 2023 letter,</p> <p>In October 2023 PBCN sent a letter to CNSC identifying the following impacts, among others, “ have a negative impact on the abundance of wildlife in the area, including fish, game and furbearers; have a negative impact on PBCN members gathering medicinal plants; increase access by non-PBCN members to our remote hunting and trapping lands; negatively impact the PBCN furblock located proximate to the Project.”]</p> <p>CNSC responded expressing an interest in discussing their concerns further and learning more about PBCN's perspective in relation to the potential impacts to PBCN's rights, interest and territory from the Project.</p> <p>In November 2023, CNSC staff had a meeting with PBCN to discuss their ongoing concerns. CNSC reiterated the need for PBCN to provide more specific information to</p>

	<p>understand the specific rights and interests that they feel are potentially impacted by the Project including more specific information regarding their land use in the Project area. CNSC offered to have technical discussions with PBCN and CNSC Subject Matter Experts (SMEs) to discuss their concerns with regards to potential impacts on water and downstream impacts.</p> <p>In December 2023, PBCN sent a letter to the CNSC confirming their preferred next steps for engagement on the Project.</p>
January 2024 – June 2024	<p>Email correspondence between the CNSC and PBCN to further discuss PFP funding and next steps for engagement on the Wheeler River Project.</p> <p>In January 2024, CNSC met with PBCN to discuss the outstanding funding that was still available for PBCN to use for the purposes of engagement for the Project. CNSC staff followed up via email, providing details on the funding amount that was still available which included supporting an opportunity to meet with CNSC staff to discuss their concerns, and also update their traditional territory and land use map to share with CNSC staff.</p> <p>[PBCN NTD: To ensure that an accurate representation is made in the CNSC Consultation Report, please include the following,</p> <p>From February 2024 to September 2024, PBCN worked with its consultant to interview PBCN members and develop an evidence-based map of its traditional territory with a specific focus on the Project area and the Athabasca Shield.]</p> <p>The CNSC sent a notification to PBCN that draft EIS had passed the CNSC staff's completeness check and that the CNSC would be starting the technical review phase which included Denison's responses to comments received from the public and Indigenous Nations and communities on the draft EIS.</p>
July 2024 – December 2024	<p>In October 2024, PBCN sent CNSC a letter with a request to meet to share more information regarding land use and discuss next steps on engagement.</p> <p>[PBCN NTD: To ensure that an accurate representation is made in the CNSC Consultation Report, please include an excerpt from PBCNs correspondence instead of paraphrasing:</p> <p>In October 2024, PBCN sent a letter to CNSC stating, "PBCN has now identified PBCN's traditional and current land uses in and around the Project area, as well as, the uses by PBCN members for food or cultural practices or for hunting, fishing and trapping in and around the Project area."]</p> <p>PBCN and CNSC had a meeting with PBCN in November 2024 where project updates were provided.</p> <p>[PBCN NTD: this is incorrect, the meeting occurred on October 29, 2024]</p>

During the meeting PBCN provided an overview of their updated traditional territory map. The Province of Saskatchewan was also in attendance. Based on the information shared by PBCN, there was no clear indication of traditional land use activities in the Project area.

[PBCN NTD: this is inaccurate and a mischaracterization of the information shared at the October 29, 2024 meeting and the subsequent information shared in the November 7, letter. To ensure that an accurate representation is made in the CNSC Consultation Report, PBCN is waiving it's request for confidentiality and directing CNSC to include the information contained in its November 7, 2024 letter.

Accordingly, please include the following excerpt from the November 7, 2024 PBCN letter to CNSC which clearly identified traditional land use activities at the Project site:

On November 7, 2024 PBCN sent a letter to CNSC identifying the following specific species and activities that PBCN members hunt, trap or gather and engage in around the Project site as follows:

Food storage (cache)	Cultural	PBCN members in the past would store d and other food here.
Medicinal plants	Cultural	PBCN members have harvested medicinal and near the Project area since time imme
Environmental feature corridor	Environmental	The Project area has been identified as an known to be a caribou crossing.
Moose	Subsistence	Numerous PBCN members have harvested and around Project area.
Caribou	Subsistence	Numerous PBCN members have harvested in and around Project area.
Duck/mallard	Subsistence	PBCN members use this area to harvest d in the Fall).
Geese	Subsistence	PBCN members use this area to harvest g (mostly in the Fall).
Trapping	Cultural	PBCN members have trapped lynx near th
Fungus	Cultural	PBCN members harvested chaga in vicini Project

	<p>Rat root (weecay) Cultural PBCN harvests rat root in vicinity of Project</p> <p>Lynx Subsistence PBCN members set traps for lynx near the Project.</p> <p>Teaching area Cultural The areas in vicinity of Project have been and are used as a teaching area for fishing, trapping and harvesting.</p> <p>General trapping area Cultural Numerous PBCN Members trap muskrat and beaver in vicinity of Project.</p> <p>CNSC followed up with PBCN requesting further information regarding their land use and rights specific to the Denison Wheeler River Project area, which has not been provided to date.</p> <p>[PBCN NTD: This is inaccurate, PBCN provided a detailed list of activities in the Project area on November 7, 2024 and a map of these activities on May 15, 2024 showing direct geographic overlap between the Project sit and PBCN's exercise of Aboriginal and Treaty rights. Please strike.]</p> <p>CNSC staff sent a notification via letter to PBCN regarding the renewal of the NSRD Licence at the Wheeler River site prior to the decision.</p>
January 2025 – June 2025	<p>CNSC staff sent PBCN a letter in January 2025 advising them on the acceptance of the Final EIS as well as explaining the next steps for consultation and regulatory process for the Project in advance of the Commission hearings.</p> <p>In February 2025, CNSC staff, the Province of Saskatchewan and PBCN had a meeting to discuss the Saskatchewan EA process, the CNSC EA process and monitoring.</p> <p>[PBCN NTD: This is an inaccurate summary of the meeting. Please include the following:</p> <p>PBCN expressed frustration that it was not included in any of the province's or federal government's monitoring strategies. PBCN reiterated the mitigation and monitoring strategies it had provided to the province in December 18, 2024 which PBCN provided to CNSC on February 24, 2025.]</p> <p>In March 2025, CNSC staff and PBCN met in-person in Saskatoon to provide updates on the status of the regulatory process, request further land use information from PBCN specific to the Project, and discuss next steps of the process. CNSC SMEs also attended this meeting to provide further information on PBCN's concerns on water, ISR mining</p>

	method and monitoring. No specific land use or traditional use data specific to the Project area was shared by PBCN during this meeting.
July 2025 – December 2025	To update later

4.6.2 Key issues and concerns raised by Peter Ballantyne Cree Nation and CNSC's Staff's Response

In the June 2023 meeting with CNSC staff and PBCN, PBCN shared that their community members may be impacted by this project through downstream effects and that PBCN has known traditional territory and has exercised Indigenous Rights in and around the Project site. Further information demonstrating PBCN land use in and around the proposed Project area has not been shared with CNSC to date.

In the October 2023 letters addressed to CNSC from PBCN, PBCN expressed frustration over the lack of meaningful engagement by both the CNSC and Denison on the Project, including issues regarding capacity funding constraints. CNSC responded indicating CNSC was interested to learn more about PBCN's land use in the Project area and to continue to meet with PBCN to understand and address the concerns raised to date. CNSC has awarded funding through the PFP to support PBCN's review of the draft EIS. CNSC informed PBCN that they had funding remaining that was unused from the draft EIS review which could be used to support PBCN priorities and activities related to the Project. The next meeting held between CNSC and PBCN was in October 2024 where PBCN shared a broad overview map of their traditional territory and verbally indicated they had land use in the Wollaston Lake area. [PBCN NTD: This is inaccurate and misleading. Please strike and replace with the following: The next meeting held between CNSC and PBCN was in October 29, 2024 where PBCN shared a broad overview map of their traditional territory and verbally indicated that they had land use in the Project area relating to hunting, trapping and gathering and fishing and traditional activities in the Wollaston Lake area. On November 7, 2024 PBCN provided a list of hunting, trapping, gathering and cultural activities in the Project area including, but not limited to, gathering medicinal plants; hunting moose and caribou; harvesting duck, mallard and geese; trapping lynx; harvesting chaga and rat root; using the Project area as a teaching area and for food storage.]

[PBCN NTD: Please include the correspondence preceding the March meeting as follows: On March 19, 2025 prior to a meeting in Saskatoon, PBCN sent a list of questions it was seeking specific answers to. In its cover note, PBCN stated, "At the core of these discussions is the question of whether, and to what extent, CNSC has conducted an assessment of the impacts of the Wheeler River Project on PBCN's rights, generally, and PBCN's Aboriginal rights relating harvesting, fishing and gathering, specifically."]

In March 2025, CNSC and PBCN held an in-person meeting in Saskatoon where PBCN raised concerns regarding water and downstream impacts, impacts on wildlife, the ISR mining method, and the monitoring of potential downstream impacts. CNSC SMEs attended this meeting to provide more information and further clarification to help address these concerns.

[PBCN NTD: Please include excerpts from the May 15, 2025 correspondence from PBCN to CNSC as follows:

Additionally, on May 16, 2025 PBCN provided an overview of the history of PBCN, the engagement with PBCN and a map illustrating a direct overlap between the exercise of PBCN's Aboriginal rights relating to hunting, trapping, and gathering and the Project.

Further in its letter of May 16, 2025 PBCN reiterated the commitment CNSC had made to PBCN in CNSC's letter of January 22, 2025 where CNSC stated, "CNSC would:

1. identify any potential environmental effects of the Project, including those on current use of lands and resources for traditional purposes, health and socio-economic conditions, and heritage resources
2. identify adverse impacts of the Project on your community's potential or established rights
3. ensure options for avoiding, mitigating, or accommodating adverse impacts are considered

PBCN has, on several occasions, inquired as to how the information it has provided could be meaningfully incorporated into the regulatory process, how specific mitigation strategies might be developed to minimize impacts on PBCN's Aboriginal and treaty rights, and what accommodation measures may be required to offset those impacts. PBCN remains hopeful that the Consultation Report will address each matter thoroughly and comprehensively."]

To date CNSC has not conducted an assessment of any of the impacts on the specific Aboriginal and treaty rights identified in the November 7, 2024 letter to CNSC. [PBCN NTD: Please indicate that CNSC committed to undertaking SME meetings which has not occurred and that CNSC did not conduct or provide PBCN with assessment of the impacts of the Wheeler River Project on PBCN's rights, generally, and PBCN's Aboriginal rights relating harvesting, fishing and gathering, specifically as requested by PBCN on March 19, 2025.]

To date, PBCN has not provided the CNSC or Denison with specific information regarding their land use in the proposed Project area. [PBCN NTD: This is inaccurate, PBCN provided a detailed list of activities in the Project area on November 7, 2024 and a map of these activities on May 15, 2024 showing direct geographic overlap between the Project sit and PBCN's exercise of Aboriginal and Treaty rights. Please strike.]

CNSC note the lack of detailed concerns from PBCN in previous submissions regarding the draft EIS. [PBCN NTD: This is both inaccurate and misleading. PBCN provided the CNSC with a list of 26 specific questions on March 19, 2025; a list of numerous concerns it had relating to the provincial EIS on February 24, 2025 and specific mitigation suggestions it had which PBCN raised with CNSC and EASB at the February meeting and in an email to CNSC on February 24, 2025. Please strike this sentence or included specific reference to all these documents with excerpts quoting PBCN's concerns].

The CNSC is open to continuing these discussions to understand PBCN's land use within the Project area.

[PBCN NTD: PBCN has provided detailed information down to the species hunted, trapped or gathered in the Project area and provided this information to CNSC on November 7, 2024. CNSC must now conduct the three-part assessment as set out in its letter of January 22, 2025 where CNSC stated, "CNSC would:

1. identify any potential environmental effects of the Project, including those on current use of lands and resources for traditional purposes, health and socio-economic conditions, and heritage resources
2. identify adverse impacts of the Project on your community's potential or established rights
3. ensure options for avoiding, mitigating, or accommodating adverse impacts are considered.

PBCN has asked for this assessment on numerous occasions.]

CNSC will continue to monitor Denison's engagement through the lifecycle of the Project, if approved. CNSC staff have and will continue to provide opportunities for PBCN to provide input and feedback on how they would like to be engaged for the Project and what would be meaningful to them.

Upon PBCN's expression of interest in the Project in 2022, CNSC staff have continued to keep PBCN informed of the Project and provided ongoing opportunities to meet and continue to discuss any comments or concerns. The detailed issues tracking table for PBCN is found in Appendix _____. The specific row where the issue is discussed in Appendix _____ is listed beside each bullet. Refer to this row in Appendix _____ for additional context regarding the issue, CNSC staff's response and the current status of the issue.

4.6 ~~4.6~~ Engagement Activities with Peter Ballantyne Cree Nation

Peter Ballantyne Cree Nation has reviewed and provided feedback on Section 4.6 of the Consultation Report. CNSC staff note that the issues and concerns listed in Section 4.6.2 and views expressed listed in Section 4.6.3 are views of the Peter Ballantyne Cree Nation. CNSC provided flexibility regarding timelines for receiving PBCN's comments and suggested edits where additional time was required for PBCN to complete their review and provide input.

4.6.1 ~~4.6.1~~ Background on Peter Ballantyne Cree Nation



Figure ~~121~~: PBCN Logo

The Peter Ballantyne Cree Nation (PBCN) is a Woodland Cree First Nation in northern Saskatchewan consisting of eight communities: Denare Beach (~~located in Treaty 6~~), Deschambault Lake (~~located in Treaty 6~~), Kinoosao (~~located in Treaty 10~~), Pelican Narrows (~~located in Treaty 10~~), Prince Albert (~~located in Treaty 6~~), Sandy Bay (~~located in Treaty 10~~), Southend (~~located in Treaty 10~~) and Sturgeon Landing (~~located in Treaty 10~~). The PBCN are called Assin'skowitiniwak or Rockey Cree. Assin'skowitiniwak means "people of the rocky area." PBCN is a signatory of Treaty 6 ~~though the majority of its reserves are in the geographic boundary of Treaty 10.~~

An analysis of PBCN communities and their distances to the proposed Project area was undertaken by Denison. In terms of direct linear distance and travel distance by existing transportation routes (i.e., road and vehicle distances) in relation to the project location, the following information is provided: Amisk Lake (Denare Beach) (direct linear distance = 375 km; travel distance by existing transportation routes = 750 km), Deschambault Lake (direct linear distance = 310 km; travel distance by existing transportation routes = 650 km), Kinoosao (direct linear distance = 200 km; travel distance by existing transportation routes = 1,520 km), Pelican

Narrows (direct linear distance = 296 km; travel distance by existing transportation routes = 715 km), Prince Albert (direct linear distance = 485 km; travel distance by existing transportation routes = 615 km), Sandy Bay (direct linear distance = 287 km; travel distance by existing transportation routes = 785 km), Southend (direct linear distance = 180 km; travel distance by existing transportation routes = 700 km), Sturgeon Landing (direct linear distance = 425 km; travel distance by existing transportation routes = 850 km). [\[12\]](#)

~~[PBCN NTD: Please confirm that CNSC is including the transportation route distance and direct linear distance for every indigenous nation referenced in your consultation report. If not, please remove this as the linear distance has no bearing on the impact to PBCN's Aboriginal and treaty rights.]~~

PBCN first expressed interest in the Project in 2022 when they applied for PFP to facilitate review of the draft EIS. PBCN received funding in 2022, and they submitted a summary letter regarding high level concerns on the project to [the](#) CNSC. CNSC staff began direct engagement with PBCN in 2022 as they provided a letter dated March 3rd, 2023, addressed to the CNSC which expressed their further interest on the Project.

[Further information on the contents of the letter is included in Appendix B.7.](#) ~~[PBCN NTD: This is an incomplete summary of the March 2023 correspondence, PBCN not only expressed interest, PBCN indicated why it was an impacted indigenous nation who exercise Aboriginal and Treaty rights in the Project area. To ensure that an accurate representation is made in the CNSC Consultation Report, please insert excerpt from March 3, 2023 letter instead of paraphrasing as follows:~~

~~In March 2023, PBCN sent a letter to CNSC stating, "For the record:~~

- ~~• PBCN territory encompasses Treaty 10.~~
- ~~• PBCN has potential or established Indigenous Rights within the Project Area.~~
- ~~• PBCN community of Southend is proximate to the Project having regard to conditions and the geography of Northern Saskatchewan. Southend is 185 km away, in a straight line, from the Project.~~
- ~~• PBCN has known traditional territory and has exercised aboriginal rights in and around the Project site.~~
- ~~• PBCN not only has the potential to exercise its Indigenous/Treaty Rights in proximity to the Project but is currently doing so."]~~

PBCN was not initially identified as a Nation with potential rights or interests in relation to the Project as, based on available data and the lack of information shared, the Project was not within their traditional territory and was not a Project or area of interest related to their rights.

~~[PBCN NTD: To ensure that an accurate representation is made in the CNSC Consultation Report, please insert excerpt from PBCN's letter of May 16, 2025 regarding the Crown's imputed and actual knowledge of PBCN's Aboriginal and treaty rights as follows:~~

~~In its letter of May 15, 2025 PBCN expressed frustration that PBCN had not originally been identified as a Nation with potential rights or interests in relation to the Project and stated, "...the~~

Federal Crown has had real or imputed knowledge of PBCN's Aboriginal and treaty rights in the Proposed Project area for over a century, including:

- A. In 1876, Canada entered into a treaty at Fort Pitt and Fort Carlton with certain Indian tribes and bands including the Plain and Wood Cree Tribes of Indians ("Treaty 6"). The James Roberts Band and other members of the Wood Cree Tribe of Indians adhered to Treaty 6 through agreements signed in 1898 and 1899.
- B. In or about 1900, certain members of the James Roberts Band were constituted as a separate Band and became the Peter Ballantyne Cree Nation, a Band of Indians who share the culture and laws of the Assin'skowitiniwak (people of the rocky area) and the Woodland Cree language of northern Saskatchewan ("PBCN").
- C. Though PBCN is an adherent to Treaty 6 the majority of PBCN's reserves are located within Treaty 10.
- D. PBCN has a traditional territory that encompasses vast areas of Treaty 10 and a smaller portion of Treaty 5 and constitutes over 20,000 square miles in northern Saskatchewan and northwest Manitoba ("PBCN Territory").
- E. The Proposed Project is located on the northwest corner of PBCN's Territory.
- F. PBCN identified a potential area for a reserve (called Asamera) in the treaty land entitlement process that appears some 120km northeast of the Project area in the 1990's.

Starting in 2016, Denison engaged with several Indigenous "Communities of Interest" regarding the Project. It initially focused on engaging with the English River First Nation, Kineepik Metis Local #9, the Sipishik Metis Local #37, and the A La Baie Metis Local #21. It then added Patuanak Metis Local #82 and Hatchet Lake First Nation. The criteria used by Denison to identify the Indigenous communities to be consulted include:

- Treaty 10 signatory (Treaty in which the Project is located);
- Potential or established Indigenous / Treaty Rights within the Project area;
- Geographic proximity of community and / or reserve land to the Project site;
- Known traditional territory in and around the Project site, including travel routes;
- History of relationship with operating companies, CNSC and the Province in relation to other projects located near the Project (McArthur River, Key Lake, Millennium); and,
- The potential for collective exercising of Indigenous / Treaty rights in proximity to the Project.

PBCN was not included as an indigenous community to be consulted despite the fact that PBCN meets the criteria identified by Denison and has

- a. Several reserves within Treaty 10 geographic boundaries;
- b. potential indigenous rights within the Project area;
- c. known tradition territory in and around the Project site, including travel routes; and
- d. the potential for the collective exercising of indigenous rights in proximity to the Proposed Project.”]

Based on additional information received in November 2024, CNSC staff acknowledge that the Project is located on the western [tip edge](#) of PBCN’s traditional territory. However, there has been limited information regarding PBCN’s traditional land use activities in the Project area.

[PBCN NTD: This is inaccurate. To ensure that an accurate representation is made in the CNSC Consultation Report, PBCN would like actual excerpts from its correspondence included to set and is waiving the terms of the confidentiality agreement and directing CNSC to include excerpts from PBCN’s correspondence, as well as, the list of PBCN’s Aboriginal and Treaty rights in the Project area identified in its November 7, 2024 letter as follows:

“In October 2023 PBCN sent a letter to CNSC identifying the following impacts, among others, “.... have a negative impact on the abundance of wildlife in the area, including fish, game and furbearers; have a negative impact on PBCN members gathering medicinal plants; increase access by non-PBCN members to our remote hunting and trapping lands; negatively impact the PBCN furblock located proximate to the Project.”

From February 2024 to September 2024, PBCN worked with the Firelight Group to interview PBCN members and develop an evidence-based map of its traditional territory. In October 2024, PBCN sent a letter to CNSC stating, “PBCN has now identified PBCN’s traditional and current land uses in and around the Project area, as well as the uses by PBCN members for food or cultural practices or for hunting, fishing and trapping in and around the Project area.”

On November 7, 2024 PBCN sent a letter to CNSC identifying the following specific species and activities that PBCN members hunt, trap or gather and engage in around the Project site as follows:

Food storage (cache)	Cultural	PBCN members in the past would store dried fish and other food here.
Medicinal plants	Cultural	PBCN members have harvested medicinal plants in and near the Project area since time immemorial.
Environmental feature corridor	Environmental	The Project area has been identified as an area known to be a caribou crossing.
Moose	Subsistence	Numerous PBCN members have harvested moose in and around Project area.

Caribou	Subsistence	Numerous PBCN members have harvested caribou in and around Project area.
Duck/mallard	Subsistence	PBCN members use this area to harvest duck (mostly in the Fall).
Geese	Subsistence	PBCN members use this area to harvest geese (mostly in the Fall).
Trapping	Cultural	PBCN members have trapped lynx near the Project.
Fungus	Cultural	PBCN members harvested chaga in vicinity of Project
Rat root (weecay)	Cultural	PBCN harvests rat root in vicinity of Project
Lynx	Subsistence	PBCN members set traps for lynx near the Project.
Teaching area	Cultural	The areas in vicinity of Project have been and are used as a teaching area for fishing, trapping and harvesting.
General trapping area	Cultural	Numerous PBCN Members trap muskrat and beaver in vicinity of Project.”}

PBCN’s draft traditional territory map remains confidential [PBCN NTD: This is inaccurate and misleading. To ensure that an accurate representation is made in the CNSC Consultation Report, please include the following, “CNSC has had a copy of PBCN’s draft traditional territory map since October 29, 2024 though the map remains confidential to the general public. Further, on May 15, 2025 PBCN provided a Project specific map illustrating a direct and significant overlap between the exercise of PBCN’s Aboriginal and Treaty rights relating to hunting, trapping, and the proposed Project site.”]

Since 2023, PBCN was included on all key correspondence and opportunities for engagement and participation in the regulatory process listed in Table 2 above. PBCN has expressed concerns on the Project which will be included in Appendix [A.6](#) issues tracking table. [PBCN NTD: This statement is incomplete. To ensure that an accurate representation is made in the CNSC Consultation Report, please insert the following, “Since 2022, PBCN has expressed concerns about potential impacts of the Project on its Aboriginal and Treaty rights on the Project which will be included in Appendix issues tracking table. Furthermore, in its May 15, 2025 letter to CNSC, PBCN stated that , “... the regulatory process to date has failed to adequately assess these potential impacts, consider PBCN’s perspective and indigenous knowledge, incorporate a mechanism whereby PBCN can collaborate with the regulator and Denison to develop specific mitigation measures to address these adverse impacts.”]

Key correspondence related to the engagement activities below is included in Appendix [B.7](#).

Table 8-1: Summary of the key engagement activities with Peter Ballantyne Cree Nation

Date	Engagement Activity
January 2022 – June 2022	PBCN applied and received PFP to review the draft EIS. CNSC emailed a letter informing PBCN of the upcoming feasibility field test, which is under Nuclear Substances and Radiation Devices Licence Application review.
June 2022 – December 2022	CNSC staff sent an email to PBCN to provide notice of the Denison Nuclear Substances and Radiation Devices (NSRD) Licence. Emails were sent confirming the submission of the Wheeler River draft EIS and next steps of the process including the start of the public comment period.
January 2023 – June 2023	<p>PBCN reached out to CNSC via phone call in February 2023 to indicate interest in the Project and inform the CNSC that they will be providing comments on the draft EIS and to request a two-week extension for the comment period which was granted.</p> <p>CNSC sent an email reminder to PBCN of the public comment period deadline for the draft EIS review. PBCN submitted comments on the draft EIS which were included in a summary letter to CNSC staff.</p> <p>[PBCN NTD: To ensure that an accurate representation is made in the CNSC Consultation Report, please include excerpt from the March 2023 letter, In March 2023, PBCN sent a letter to CNSC stating, “For the record:</p> <ul style="list-style-type: none"> •PBCN territory encompasses Treaty 10. •PBCN has potential or established Indigenous Rights within the Project Area. •PBCN community of Southend is proximate to the Project having regard to conditions and the geography of Northern Saskatchewan. Southend is 185 km away, in a straight line, from the Project. •PBCN has known traditional territory and has exercised aboriginal rights in and around the Project site. •PBCN not only has the potential to exercise its Indigenous/Treaty Rights in proximity to the Project but is currently doing so.”] <p>CNSC reached out in April 2023 with an offer to meet with PBCN and discuss their public comments on the draft EIS.</p> <p>In June 2023, CNSC staff met with PBCN in-person in Saskatoon to provide an introduction on the CNSC’s mandate and regulatory process, as well as information on the project and answer any questions. CNSC staff and PBCN also discussed PBCN’s comments on the draft EIS.</p> <p>Concerns were raised by PBCN that they were not included in the consultation and regulatory process from the beginning of the process in 2019, as well as concerns in relation to potential impacts on water downstream from the Project. PBCN shared</p>

	<p>information on their land use and traditional territory during this meeting and shared a map with the CNSC.—</p> <p><u>which they indicated was in the process of being updated.</u> [PBCN NTD: The foregoing statement is an incomplete summary of the June 2023 discussions. To ensure that an accurate representation is made in the CNSC Consultation Report, please include a sentence that PBCN indicated to CNSC at the June 2023 meeting that PBCN was updating this map]</p>
July 2023 – December 2023	<p>CNSC staff provided an update on the EIS completeness check for Wheeler River and an update on the EA process to PBCN.</p> <p>PBCN expressed concerns regarding funding needs. CNSC provided clarity with regards to the use of the existing funding that PBCN was awarded for purposes of engagement on the Project.</p> <p>In October 2023, PBCN sent a letter to CNSC indicating their concerns on the Project and frustrations with the lack of meaningful engagement by Denison and the CNSC. [PBCN NTD: The foregoing statement is an incomplete summary of the October 2023 letter. To ensure that an accurate representation is made in the CNSC Consultation Report, please also include an excerpt from the October 2023 letter, In October 2023 PBCN sent a letter to CNSC identifying the following impacts, among others, “ have a negative impact on the abundance of wildlife in the area, including fish, game and furbearers; have a negative impact on PBCN members gathering medicinal plants; increase access by non-PBCN members to our remote hunting and trapping lands; negatively impact the PBCN furblock located proximate to the Project.”]</p> <p>CNSC responded expressing an interest in discussing their concerns further and learning more about PBCN’s perspective in relation to the potential impacts to PBCN’s rights, interest and territory from the Project.</p> <p>In November 2023, CNSC staff had a meeting with PBCN to discuss their ongoing concerns. CNSC reiterated the need for PBCN to provide more specific information to understand the specific rights and interests that they feel are potentially impacted by the Project including more specific information regarding their land use in the Project area. CNSC offered to have technical discussions with PBCN and CNSC Subject Matter Experts (SMEs) to discuss their concerns with regards to potential impacts on water and downstream impacts.</p> <p>In December 2023, PBCN sent a letter to the CNSC confirming their preferred next steps for engagement on the Project.</p>
January 2024 – June 2024	<p>Email correspondence between the CNSC and PBCN to further discuss PFP funding and next steps for engagement on the Wheeler River Project.</p> <p>In January 2024, CNSC met with PBCN to discuss the outstanding funding that was still available for PBCN to use for the purposes of engagement for the Project. CNSC staff followed up via email, providing details on the funding amount that was still</p>

	<p>available which included supporting an opportunity to meet with CNSC staff to discuss their concerns, and also update their traditional territory and land use map to share with CNSC staff.</p> <p>[PBCN NTD: To ensure that an accurate representation is made in the CNSC Consultation Report, please include the following,</p> <p>From February 2024 to September 2024, PBCN worked with its consultant to interview PBCN members and develop an evidence-based map of its traditional territory with a specific focus on the Project area and the Athabasca Shield region.}</p> <p>The CNSC sent a notification to PBCN that draft EIS had passed the CNSC staff's completeness check and that the CNSC would be starting the technical review phase which included Denison's responses to comments received from the public and Indigenous Nations and communities on the draft EIS.</p>
July 2024 – December 2024	<p>In October 2024, PBCN sent CNSC a letter with a request to meet to share more information regarding land use and discuss next steps on engagement.</p> <p>[PBCN NTD: To ensure that an accurate representation is made in the CNSC Consultation Report, please include an excerpt from PBCN's correspondence instead of paraphrasing:</p> <p>In October 2024, PBCN sent a letter to CNSC stating, "PBCN has now identified PBCN's traditional and current land uses in and around the Project area, as well as, the uses by PBCN members for food or cultural practices or for hunting, fishing and trapping in and around the Project area."}]</p> <p>PBCN and CNSC had a meeting with PBCN in NovemberOctober 2024 where project updates were provided.</p> <p>[PBCN NTD: this is incorrect, the meeting occurred on October 29, 2024]</p> <p>During the meeting PBCN provided an overview of their updated traditional territory map. The Province of Saskatchewan was also in attendance. Based on the information shared by PBCN, there was no clear indication of traditional land use activities in the Project area.</p> <p>[PBCN NTD: this is inaccurate and a mischaracterization of the information shared at the October 29, 2024 meeting and the subsequent information shared in the November 7, letter. To ensure that an accurate representation is made in the CNSC Consultation Report, PBCN is waiving it's request for confidentiality and directing CNSC to include the information contained in its November 7, 2024 letter.</p> <p>In November 2024, PBCN sent a letter to CNSC staff that included preliminary land use information in relation to PBCN's rights and territory. CNSC followed up with PBCN requesting further information regarding their land use and rights specific to the Denison Wheeler River Project area. PBCN shared a list and a map that outlines land and resource use activities that are conducted within their traditional territory. The data and information shared were all at locations located outside of the Project vicinity.</p>

Accordingly, please include the following excerpt from the November 7, 2024 PBCN letter to CNSC which clearly identified traditional land use activities at the Project site: On November 7, 2024 PBCN sent a letter to CNSC identifying the following specific species and activities that PBCN members hunt, trap or gather and engage in around the Project site as follows:

Food storage (cache)	Cultural	PBCN members in the past would store dried fish and other food here.
Medicinal plants	Cultural	PBCN members have harvested medicinal plants in and near the Project area since time immemorial.
Environmental feature corridor	Environmental	The Project area has been identified as an area known to be a caribou crossing.
Moose	Subsistence	Numerous PBCN members have harvested moose in and around Project area.
Caribou	Subsistence	Numerous PBCN members have harvested caribou in and around Project area.
Duck/mallard	Subsistence	PBCN members use this area to harvest ducks (mostly in the Fall).
Geese	Subsistence	PBCN members use this area to harvest geese (mostly in the Fall).
Trapping	Cultural	PBCN members have trapped lynx near the Project.
Fungus	Cultural	PBCN members harvested chaga in vicinity of Project.
Rat root (weecay)	Cultural	PBCN harvests rat root in vicinity of Project.
Lynx	Subsistence	PBCN members set traps for lynx near the Project.
Teaching area	Cultural	The areas in vicinity of Project have been used as a teaching area for fishing, trapping and harvesting.
General trapping area	Cultural	Numerous PBCN Members trap muskrat in vicinity of Project.

	<p>CNSC followed up with PBCN requesting further information regarding their land use and rights specific to the Denison Wheeler River Project area, which has not been provided to date.</p> <p>[PBCN NTD: This is inaccurate, PBCN provided a detailed list of activities in the Project area on November 7, 2024 and a map of these activities on May 15, 2024 showing direct geographic overlap between the Project sit and PBCN's exercise of Aboriginal and Treaty rights. Please strike.]</p> <p>CNSC staff sent a notification via letter to PBCN regarding the renewal of the NSRD Licence at the Wheeler River site prior to the decision.</p>
January 2025 – June 2025	<p>CNSC staff sent PBCN a letter in January 2025 advising them on the acceptance of the Final EIS as well as explaining the next steps for consultation and regulatory process for the Project in advance of the Commission hearings.</p> <p>In February 2025, CNSC staff, the Province of Saskatchewan and PBCN had a meeting to discuss the Saskatchewan EA process, the CNSC EA process and monitoring. where [PBCN NTD: This is an inaccurate summary of the meeting. Please include the following:</p> <p>PBCN expressed frustration that it was not included in any of the province's or frustrations with the provincial and federal government's monitoring strategies. PBCN reiterated the mitigation and CNSC shared information on how PBCN could get involved in monitoring strategies it had provided to the province in December 18, 2024 which PBCN provided to CNSC on February 24, 2025.] <u>if the Project is approved.</u></p> <p>In March 2025, CNSC staff and PBCN met in-person in Saskatoon to provide updates on the status of the regulatory process, request further land use information from PBCN specific to the Project, and discuss next steps of the process. CNSC SMEs also <u>Subject Matter Experts</u> attended this <u>the</u> meeting to provide further information on <u>to respond to and address</u> PBCN's concerns <u>in relation to the Project impacts</u> on water, <u>and concerns with regards to the</u> ISR mining method and <u>environmental</u> monitoring <u>downstream from the Project area</u>. No specific land use or traditional use data specific to the Project area was shared by PBCN during this meeting.</p>
July 2025 – December 2025	To update later

4.6.2 ~~4.6.2~~ Key issues and concerns raised by Peter Ballantyne Cree Nation and CNSC's Staff's Response

In the June 2023 meeting with CNSC staff and PBCN, PBCN shared that their community members may be impacted by this project through downstream effects and that PBCN has known traditional territory and has exercised Indigenous Rights in and around the Project site. Further

information demonstrating PBCN land use in and around the proposed Project area has not been shared with CNSC to date.

In the October 2023 letters addressed to CNSC from PBCN, PBCN expressed frustration over the lack of meaningful engagement by both the CNSC and Denison on the Project, including issues regarding capacity funding constraints. CNSC responded indicating CNSC was interested to learn more about PBCN's land use in the Project area and to continue to meet with PBCN to understand and address the concerns raised to date. CNSC has awarded funding through the PFP to support PBCN's review of the draft EIS. CNSC informed PBCN that they had funding remaining that was unused from the draft EIS review which could be used to support PBCN priorities and activities related to the Project. The next meeting held between CNSC and PBCN was in October 2024 where PBCN shared a broad overview map of their traditional territory and verbally indicated they had land use in the Wollaston Lake area. ~~[PBCN NTD: This is inaccurate and misleading. Please strike and replace with the following: The next meeting held between CNSC and PBCN was in October 29, 2024 where PBCN shared a broad overview map of their traditional territory and verbally indicated that they had land use in the Project area relating to hunting, trapping and gathering and fishing and traditional activities in the Wollaston Lake area. On November 7, 2024 PBCN provided a list of~~

In March 2025, CNSC and PBCN held an in-person meeting in Saskatoon where PBCN raised concerns regarding water and downstream impacts, impacts on wildlife, the ISR mining method, and the monitoring of potential downstream impacts. CNSC SMEs attended this meeting to provide more information and further clarification to help address these concerns. PBCN provided a list of questions prior to the meeting to help guide the discussion. CNSC SMEs responded to these questions during the meeting.

4.6.3 PBCN Views Expressed

On May 7th, 2025, PBCN was provided an opportunity to review the Consultation and EA Report sections drafted by CNSC staff. CNSC staff encouraged PBCN feedback and input regarding the content drafted in this section and provided flexibility regarding timelines for receiving PBCN's comments and suggested edits where additional time was required. The views expressed in Section 4.6.3 are those of PBCN.

CNSC staff began direct engagement with PBCN in 2022 when they expressed interest on the Project. In March 2023 PBCN sent a letter to the CNSC indicating that they are an impacted Indigenous Nation who exercise Aboriginal and Treaty rights in the Project area. The letter, contained in Appendix B.7, provided PBCN's reasons for why they are an impacted Nation who exercise Aboriginal and Treaty rights in the Project area. PBCN expressed frustration that the Nation had not originally been identified as a Nation with potential rights or interests in relation to the Project by both the CNSC and Denison, which has further been reiterated in their May 15, 2025, letter addressed to the CNSC. Further information is included in Appendix B.7 of this report.

~~hunting, trapping, gathering and~~ In October 2023, PBCN sent a letter stating that the Project will have a negative impact on PBCN members gathering medicinal plants; increase access by non-PBCN members to their remote hunting and trapping lands; negatively impact PBCN's furblock located proximate to the Project. From February 2024 to September 2024, PBCN worked with a third-party consultant to interview PBCN members and develop an evidence-based map of its traditional territory. In November 2024, PBCN sent a letter to CNSC identifying specific species that PBCN members hunt, trap or gather around the Project site, as well as identifying important areas for cultural activities ~~in~~ that are located proximate to the Project ~~area including~~ site. The species and traditional activities included, but ~~were~~ not limited to, gathering medicinal plants; hunting moose and caribou; harvesting duck, mallard and geese; trapping lynx; harvesting chaga and rat root; using the Project area as a teaching area and for food storage. ~~¶~~ Further to the maps shared, in May 2025, PBCN shared a Project specific map illustrating where PBCN members exercise Aboriginal and Treaty rights related to hunting, trapping and fishing that showed overlap with the Project area. Further information is included in Appendix B.7 of this report.

~~[PBCN NTD: Please include the correspondence preceding the March meeting as follows: On March 19, 2025 prior to a meeting in Saskatoon, PBCN sent a list of questions it was seeking specific answers to. In its cover note, PBCN stated, "At the core of these discussions is the question of whether, and to what extent, CNSC has~~has remained concerned that the CNSC has ~~not~~ conducted an assessment of the impacts of the Wheeler River Project on PBCN's rights, generally, and PBCN's Aboriginal rights relating harvesting, fishing and gathering, specifically."

~~¶~~

~~In addition, In March 2025, CNSC and PBCN held an in-person meeting in Saskatoon where PBCN raised concerns regarding water and downstream impacts, impacts on wildlife, the ISR mining method, and the monitoring of potential downstream impacts. CNSC SMEs attended this meeting to provide more information and further clarification to help address these concerns.~~

~~[PBCN NTD: Please include excerpts from the May 15, 2025 correspondence from PBCN to CNSC as follows:~~

~~Additionally, on May 16, 2025 PBCN provided an overview of the history of PBCN, the engagement with PBCN and a map illustrating a direct overlap between the exercise of PBCN's Aboriginal rights relating to hunting, trapping, and gathering and the Project.~~

~~Further in its letter of May 16, 2025 PBCN reiterated the commitment CNSC had made to PBCN in CNSC's letter of January 22, 2025 where CNSC stated, "CNSC would:~~

- ~~1. identify any potential environmental effects of the Project, including those on current use of lands and resources for traditional purposes, health and socio-economic conditions, and heritage resources~~
- ~~2. identify adverse impacts of the Project on your community's potential or established rights~~
- ~~3. ensure options for avoiding, mitigating, or accommodating adverse impacts are considered~~

PBCN has, ~~on several occasions,~~ inquired ~~as to~~ how the information it has provided could be meaningfully incorporated into the regulatory process, how specific mitigation strategies might be developed to minimize impacts on PBCN's Aboriginal and ~~treaty~~ Treaty rights, and what accommodation measures may be required to offset those impacts. ~~PBCN remains hopeful that the Consultation Report will address each matter thoroughly and comprehensively.”]~~
~~To date CNSC has not conducted an assessment of any of the impacts on the specific Aboriginal and treaty rights identified in the November 7, 2024 letter to CNSC. [PBCN NTD: Please indicate that CNSC committed to undertaking SME meetings which has not occurred and that CNSC did not conduct or provide PBCN with assessment of the impacts of the Wheeler River Project on PBCN's rights, generally, and PBCN's Aboriginal rights relating harvesting, fishing and gathering, specifically as requested by PBCN on March 19, 2025.]~~

4.6.4 CNSC Staff's Response

~~To date, PBCN has not provided the CNSC or Denison with specific information regarding their land use in the proposed Project area. [PBCN NTD: This is inaccurate, PBCN provided a detailed list of activities in the Project area on November 7, 2024 and a map of these activities on May 15, 2024 showing direct geographic overlap between the Project sit and PBCN's exercise of Aboriginal and Treaty rights. Please strike.]~~

Upon receiving PBCN's expression of interest in the Project in 2022, CNSC staff have continued to keep PBCN informed of the Project and provided ongoing opportunities to meet and continue to discuss any comments or concerns. The detailed issues tracking table for PBCN is found in Appendix A.6. The specific row where the issue is discussed in Appendix A.6 is listed beside each bullet. Refer to this row in Appendix A.6 for additional context regarding the issue, CNSC staff's response and the current status of the issue.

~~CNSC note the lack of detailed concerns from PBCN in previous submissions regarding the draft EIS. [PBCN NTD: This is both inaccurate and misleading. PBCN provided the CNSC with a list of 26 specific questions on March 19, 2025; a list of numerous concerns it had relating to the provincial EIS on February 24, 2025 and specific mitigation suggestions it had which PBCN raised with CNSC and EASB at the February meeting and in an email to CNSC on February 24, 2025. Please strike this sentence or included specific reference to all these documents with excerpts quoting PBCN's concerns].~~

CNSC has reviewed the land use information, maps, claims and data shared by PBCN to date. Based on the information shared to date, CNSC staff's assessment is that PBCN has not identified specific land and traditional uses or cultural sites that could directly be impacted by the Project. The majority of the specific land use information provided to date indicates that PBCN members have traditional land use in and around Reindeer Lake and potentially near Wollaston Lake both of which are located approximately 110 and 150 kilometres away in a straight line from the Project site and the areas that are impacted by the proposed Project.

Based on the lack of detail shared to date outlining specific historical and contemporary use by PBCN members, including specific locations, and impacts to PBCN's Aboriginal and/or Treaty Rights in relation to the Project, CNSC staff's assessment is that the Project is unlikely to have any direct impacts on the exercise of PBCN's rights in their territory. However, the CNSC

remains open to continue discussions regarding PBCN's issues and concerns and receiving any additional specific information with regards to their rights and interests in proximity to the proposed Project. The CNSC is open to continuing these discussions to understand PBCN's land use within the Project area-

and to work with both PBCN and Denison to find a path forward to address PBCN's concerns and requests, including collaboration and involvement in Project-related and regional monitoring activities. ~~[PBCN NTD: PBCN has provided detailed information down to the species hunted, trapped or gathered in the Project area and provided this information to CNSC on November 7, 2024. CNSC must now conduct the three-part assessment as set out in its letter of January 22, 2025 where CNSC stated, "CNSC would:~~

- ~~1. identify any potential environmental effects of the Project, including those on current use of lands and resources for traditional purposes, health and socio-economic conditions, and heritage resources~~
- ~~2. identify adverse impacts of the Project on your community's potential or established rights~~
- ~~3. ensure options for avoiding, mitigating, or accommodating adverse impacts are considered.~~

~~PBCN has asked for this assessment on numerous occasions.]~~

CNSC staff will continue to monitor Denison's engagement through the lifecycle of the Project, if approved. CNSC staff have and will continue to provide opportunities for PBCN to provide input and feedback on how they would like to be engaged for the Project and what would be meaningful to them.

4.6.5 Conclusions

CNSC staff are actively working to continue to respond to and address the questions and concerns raised by PBCN in relation to the Project and are continuing to have discussions with PBCN to understand PBCN's land use within the Project area. CNSC staff remain committed to engaging and sharing information with PBCN regarding the Project moving forward and are open to receiving any new information from PBCN regarding their claimed land use in the Project area and addressing any outstanding concerns they may have.

~~Upon PBCN's expression of interest in the Project in 2022, CNSC staff have continued to keep PBCN informed of the Project and provided ongoing opportunities to meet and continue to discuss any comments or concerns. The detailed issues tracking table for PBCN is found in Appendix _____. The specific row where the issue is discussed in Appendix _____ is listed beside each bullet. Refer to this row in Appendix _____ for additional context regarding the issue, CNSC staff's response and the current status of the issue.-~~

Summary report: Litera Compare for Word 11.5.0.74 Document comparison done on 6/6/2025 11:01:12 AM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: CNSC May 7 Draft PBCN Consultation Report Section 4.6 - For Review.docx	
Modified filename: PBCN Consultation Report Section 4.6 - Final June 2025.docx	
Changes:	
<u>Add</u>	54
Delete	149
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	3
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	206

From: [Way, Jessica](#)
To: [Chani Campbell](#)
Cc: [Boser, Sydney](#); [Ben Merasty](#); [Ted Merasty](#)
Subject: RE: No response from Denison Mining
Date: Thursday, May 8, 2025 2:37:18 PM

Hi Chani,

Thanks for providing this update and apologies for the delayed reply. I was out of office earlier this week.

Since our last meeting, CNSC staff have been encouraging Denison to continue conversations with PBCN to learn more about PBCN's land use. Upon following up with Denison, we were informed that Denison received correspondence from PBCN which contained a specific request regarding capacity funding. Denison indicated that they are finalizing a response to PBCN and to discuss your correspondence in full.

Given our regulatory mandate, we cannot force any proponent to engage with, and provide capacity funding to Indigenous Nations and communities. This is done at the determination of the proponent but is strongly encouraged by the CNSC. We recommend to all proponents that they work to address capacity issues to ensure an Indigenous Nation and/or community can fulsomely participate in the process. With that said, we also heavily consider a proponent's actions regarding Indigenous consultation and engagement when evaluating applications and making staff recommendations to the Commission and it is always the expectation of the CNSC that a proponent to be consulting and engaging in good faith.

We have indicated this to Denison as well, but we would be happy to participate and support in meetings with PBCN and Denison, as well as with the province if necessary. If PBCN is interested, we can also facilitate the organization of such a meeting. Please let us know if this is something PBCN would like us to do. CNSC looks forward to receiving the additional mapping from PBCN.

Have a good evening.

Jes

From: Chani Campbell
Sent: Monday, May 5, 2025 12:56 PM
To: Way, Jessica
Cc: Boser, Sydney ; Ben Merasty ; Ted Merasty
Subject: No response from Denison Mining

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE PRUDENCE

Hi Jes,

Following our last meeting, the CNSC encouraged PBCN to provide the results of its mapping project and the interviews with PBCN members. PBCN has since complied with this request; however, nearly a month has passed, and Denison has yet to make itself available for a meeting to discuss the impacts of the Wheeler River Project on PBCN's Aboriginal or treaty rights.

As PBCN has communicated to the CNSC on multiple occasions, Denison has been

dismissive of the potential impacts of the project on PBCN's rights and has not made any meaningful efforts to understand or address these concerns in good faith. This delay merely underscores PBCN's point. It is clear that Denison will not take any action unless explicitly directed to do so by the CNSC.

We kindly request that the CNSC intervene and direct Denison to meet with PBCN and enter into a capacity funding agreement to cover the costs of PBCN's engagement.

Finally, PBCN will be sending CNSC its additional mapping for inclusion in your EA report this week. The mapping directly overlaps the Project site and show extensive trapping and hunting by PBCN members over the Project area.

Regards,

Chani Campbell

Aldridge + Rosling LLP

Barristers & Solicitors

Suite 1320 - 999 W. Hastings St.

Vancouver, BC, V6C 2W2

Ph: 604.605.5555 ext. 232 | Fax: 604.684.6402

Email: ccampbell@arlaw.ca

This message and any accompanying attachments are intended only for the use of the intended recipients, and may contain information that is confidential and subject to solicitor client privilege. Any use, distribution, copying or disclosure by unintended recipients is strictly prohibited. If you have received this message in error please delete it and the attachments immediately without making any copies and contact us by telephone or email.

From: Way, Jessica <jessica.way@cnsccsn.gc.ca>

Sent: Tuesday, April 1, 2025 12:46 PM

To: Chani Campbell <CCampbell@arlaw.ca>

Cc: Boser, Sydney <sydney.boser@cnsccsn.gc.ca>

Subject: RE: Follow Up - Attendees for PBCN Meeting

Hi Chani,

I spoke with Brianne England (Denison's Regulatory Manager) on Monday and I told her about the meeting, that we expected additional follow up information from PBCN (as you noted as part of your phase two), and that we are planning to incorporate information shared by PBCN as views expressed in our EA report. I also advised her that they should be expecting to hear from PBCN as well, and she was planning to share this with Carolanne Inglis-McQuay (the lead on the Indigenous consultation).

We are also meeting with them on Wednesday and I will share this as an update to the broader team.

Please do initiate conversation with Denison.

Thanks,

Jes

From: Chani Campbell <CCampbell@arlaw.ca>

Sent: Tuesday, April 1, 2025 3:19 PM

To: Way, Jessica <jessica.way@cnsccsn.gc.ca>

Cc: Boser, Sydney <sydney.boser@cnsccsn.gc.ca>

Subject: RE: Follow Up - Attendees for PBCN Meeting

EXTERNAL EMAIL – USE CAUTION / COURRIEL EXTERNE – FAITES PREUVE DE
--

Hi Jes,

Let me review the list with Ted.

Can you or Sydney confirm that you advised Denison Mining that CNSC is consulting with PBCN? PBCN wanted to send a follow up note to Denison.

Thanks,

Chani Campbell

Aldridge + Rosling LLP

Barristers & Solicitors

Suite 1320 - 999 W. Hastings St.

Vancouver, BC, V6C 2W2

Ph: 604.605.5555 ext. 232 | Fax: 604.684.6402

Email: ccampbell@arlaw.ca

This message and any accompanying attachments are intended only for the use of the intended recipients, and may contain information that is confidential and subject to solicitor client privilege. Any use, distribution, copying or disclosure by unintended recipients is strictly prohibited. If you have received this message in error please delete it and the attachments immediately without making any copies and contact us by telephone or email.

From: Way, Jessica <jessica.way@cnsccsn.gc.ca>

Sent: Tuesday, April 1, 2025 7:34 AM

To: Chani Campbell <CCampbell@arlaw.ca>

Cc: Boser, Sydney <sydney.boser@cnsccsn.gc.ca>

Subject: Follow Up - Attendees for PBCN Meeting

Hi Chani,

It was great getting to meet in person last week – we were pleasantly surprised by the large number of attendees, so please pass along our thanks to Ben, Vice Chief Justin Halcrow, and all of the council members that were able to attend. It was really great to get everyone in the room.

We are working on compiling some notes from the meeting, including some more formal responses to PBCN's questions to ensure we have answered everything. Would it be possible to get a full list of attendees? We want to ensure we didn't get any of the names wrong or miss anyone, especially because people were popping in or out.

- Ben Merasty (Executive Director Lands Dept for PBCN)
- Vice Chief Justin Halcrow
- Pauline Bedard (Executive Secretary to Chief Beatty)
- Kevin Morin (Council for Southend)
- Jeremy Morin (Council for Southend)
- Justin Beatty (Council for Deschambault Lake)
- Timothy Underwood (Council for Sandy Bay)
- Francis Highway (Council for Pelican Narrows)
- Leon Dorion (Council for Pelican Narrows)
- Jeremy Warren (Southern, Legal Advisor for PBCN)
- Chani Campbell (Legal Counsel for PBCN)
- Connie Agnew (Senior Planning Ecologist, LG Limited)

Thanks, and apologies if any of the above is incorrect.

Jes

Jes Way, MEnv, PMP

(she / her / elle)

Environmental Review Officer | Agente d'examen environnementale

Environmental Review Division | Division de l'examen de l'environnement

Canadian Nuclear Safety Commission | Commission canadienne de sûreté nucléaire

Jessica.Way@cnscccsn.gc.ca | Tel: 343-540-6213

British Columbia, Core Hours: 9:30am – 5:30pm ET | 6:30am – 2:30pm PT

My work hours might not be the same as your work hours – please reply at your convenience.



PETER BALLANTYNE CREE NATION

Chief Joseph Custer Reserve - 2300 - 10th Avenue West
P.O. Box 2320, Prince Albert, Saskatchewan, Canada S6V 6Z1
Phone: (306) 953-4400 · Fax: (306) 953-4420



May 16, 2025

Ms. Jes Way
Senior Assessment Officer
Canadian Nuclear Safety Commission
Email: jessica.way@cnsccsn.gc.ca

Re: Denison Mines Corp. ("Denison")– Wheeler River Project (the "Proposed Project")

Dear Ms. Way,

Further to our meetings on October 29, 2024, February 26, 2025, and March 26, 2025 we write to provide you with an update on the status of engagement with Denison and to summarize the information previously shared with CNSC, as well as, the enclosed map evidencing the additional results of PBCN's work in developing a preliminary traditional land use map (the "Map") to facilitate CNSC drafting a consultation report which outlines PBCN's concerns and provides CNSC's response to PBCN's concerns (the "Consultation Report").

In your letter to PBCN dated January 22, 2025, CNSC indicated that the Federal Crown's Consultation Objective was centralized around the following framework, wherein CNSC would:

1. identify any potential environmental effects of the Project, including those on current use of lands and resources for traditional purposes, health and socio-economic conditions, and heritage resources
2. identify adverse impacts of the Project on your community's potential or established rights
3. ensure options for avoiding, mitigating, or accommodating adverse impacts are considered

PBCN has, on several occasions, inquired as to how the information it has provided could be meaningfully incorporated into the regulatory process, how specific mitigation strategies might be developed to minimize impacts on PBCN's Aboriginal and treaty rights, and what accommodation measures may be required to offset those impacts. PBCN remains hopeful that the Consultation Report will address each matter thoroughly and comprehensively.

PBCN has, at CNSC's request, spent over two and a half years providing evidence of PBCN's Aboriginal and treaty rights in the Proposed Project area which we have done and will summarize later in this letter. We must emphasize, however, the obvious fact that the Federal Crown has had real or imputed knowledge of PBCN's Aboriginal and treaty rights in the Proposed Project area for over a century, including:

- A. In 1876, Canada entered into a treaty at Fort Pitt and Fort Carlton with certain Indian tribes and bands including the Plain and Wood Cree Tribes of Indians ("**Treaty 6**"). The James Roberts Band and other members of the Wood Cree Tribe of Indians adhered to Treaty 6 through agreements signed in 1898 and 1899.
- B. In or about 1900, certain members of the James Roberts Band were constituted as a separate Band and became the Peter Ballantyne Cree Nation, a Band of Indians who share the culture and laws of the Assin'skowitiniwak (people of the rocky area) and the Woodland Cree language of northern Saskatchewan ("**PBCN**").
- C. Though PBCN is an adherent to Treaty 6 many of PBCN's reserves are located within Treaty 10.
- D. PBCN has a traditional territory that encompasses vast areas of Treaty 10 and a smaller portion of Treaty 5 and constitutes over 20,000 square miles in northern Saskatchewan and northwest Manitoba ("**PBCN Territory**").
- E. The Proposed Project is located on the northwest corner of PBCN's Territory.
- F. PBCN identified a potential area for a reserve (called Asamera) in the treaty land entitlement process that appears some 120km northeast of the Project area in the 1990's.

Starting in 2016, Denison engaged with several Indigenous "Communities of Interest" regarding the Project. It initially focused on engaging with the English River First Nation, Kineepik Metis Local #9, the Sipishik Metis Local #37, and the A La Baie Metis Local #21. It then added Patuanak Metis Local #82 and Hatchet Lake First Nation. The criteria used by Denison to identify the Indigenous communities to be consulted include:

- Treaty 10 signatory (Treaty in which the Project is located);
- Potential or established Indigenous / Treaty Rights within the Project area;
- Geographic proximity of community and / or reserve land to the Project site;
- Known traditional territory in and around the Project site, including travel routes;

- History of relationship with operating companies, CNSC and the Province in relation to other projects located near the Project (McArthur River, Key Lake, Millennium); and,
- The potential for collective exercising of Indigenous / Treaty rights in proximity to the Project.

PBCN was not included as an indigenous community to be consulted despite the fact that PBCN meets the criteria identified by Denison and has

- a. reserves within Treaty 10 geographic boundaries,
- b. potential indigenous rights within the Project area,
- c. known tradition territory in and around the Project site, including travel routes, and
- d. the potential for the collective exercising of indigenous rights in proximity to the Proposed Project.

It is incomprehensible to PBCN, in light of the Crown's knowledge of the extent of PBCN's Aboriginal and Treaty rights that it was not identified as an Indigenous community to be consulted at the outset of the consultation process on this Project.

It was not until the summer of 2022 that CNSC first communicated with PBCN regarding this project. On October 21, 2022, C sent PBCN the draft EIS and invited P to provide comments during the 90-day comment period.

On March 3, 2023, PBCN provided comments on the draft EIS.

On June 23, 2023, PBCN met with EASB and CNSC in Saskatoon to provide an overview of its Aboriginal rights and treaty interests.

On September 20, 2023, PBCN and Denison met in Saskatoon. At the meeting, PBCN requested capacity funding from Denison to retain experts to understand the Project and identify mitigation and monitoring measures. PBCN members also shared several stories regarding PBCN's cultural activities around the Proposed Project site, the importance of Reindeer Lake, with particular concerns around water contamination and concerns about cumulative impacts with other mining operations in the Athabasca Shield.

On October 10, 2023, Denison emailed PBCN its meeting notes and presentation materials from the September meeting. In Denison's notes of the September meeting, it states the key items raised by PBCN were:

- a. concern about potential for water to be contaminated from the Project and potentially impacting PBCN communities;

- b. concern that PBCN will be impacted by the Project; that all mining activities affect PBCN;
- c. transparency around communicating monitoring results and any monitoring results that are not expected;
- d. PBCN requested Denison engage more fully with PBCN about the Project, and to that end, enter into a formal agreement in relation to engagement;

On or about October 20, 2023, PBCN sent two letters (both dated October 5, 2023) regarding the September meeting with Denison. The first letter is to Denison, where PBCN stated that it does not know why it was left off the list of potentially impacted First Nations but is seeking to rectify that with the Crown. PBCN expressed its willingness to engage in meaningful consultation with Denison supported by capacity funding. The second letter is to CNSC, where PBCN requested that PBCN be scoped in as a community of interest and that CNSC require Denison to assess the potential impacts of the proposed Project to PBCN's Aboriginal and treaty rights.

On January 10, 2024, Denison responded to PBCN's previous letters and effectively dismissed PBCN by stating that PBCN will need to provide specific information for Denison to assess the adverse impacts on PBCN and determine whether it is worth it for Denison to provide funding for a Traditional Land & Resource Use Study.

In February 2024, PBCN, in an effort to be responsive to Denison's and CNSC's requests that PBCN "prove" its Aboriginal and treaty rights, retained the Firelight Group to interview PBCN members who have and continue to exercise their Aboriginal and Treaty rights in the Proposed Project area and throughout PBCN territory, elders whose families historically exercised their Aboriginal and Treaty rights in and around the Proposed Project and updated its traditional territory map to reflect this information (the "Map"). The engagement was predominantly funded by PBCN.

In September 2024, PBCN approved phase 2 of the Firelight mapping project.

In October 2024, Denison completed the final EIS. Section 3.0 of the EIS describes the Indigenous and Local Knowledge Denison incorporated into the environmental assessment project. PBCN is not mentioned at all in that chapter.

October 4, 2024, PBCN sent a letter to CNSC and EASB advising them that it had retained Firelight to assist in creating a map and that the results illustrate the impact of the project on PBCN's Aboriginal and treaty rights and, further, that Project would infringe and unjustifiably limit its rights.

October 29, 2024, PBCN met with EASB and CNSC. PBCN presented the results from the Firelight mapping. EASB stated in the meeting that the duty to consult had not been triggered.

On November 7, 2024, PBCN provided CNSC with specific information generated by the interviews and information gathered by the Firelight Group relating to the exercise of Aboriginal and treaty rights by PBCN members in the vicinity of the Proposed Project.

On February 26, 2025, CNSC and EASB had a joint meeting wherein PBCN expressed interest in being included in monitoring and developing mitigation strategies to mitigate the potential impacts to PBCN's Aboriginal and treaty rights. EASB showed no interest in incorporating PBCN mitigation strategies or involving PBCN in monitoring. CNSC agrees to set up a follow-up meeting.

On March 26, 2025, CNSC and PBCN had a technical meeting to review some of PBCN's concerns. CNSC committed to continue technical meetings. CNSC advised PBCN that CNSC will write an assessment report in May and assess the impacts to PBCN's Aboriginal and treaty rights.

In April 2025, PBCN received the enclosed second phase of mapping from the Firelight Group, which demonstrates that the Proposed Project substantially and directly overlaps with the exercise of PBCN's Aboriginal and treaty rights especially as those rights relate to hunting, trapping and gathering.

At CNSC's urging PBCN provided the results of the Firelight Project and requested capacity funding to meet with Denison. Denison has not shown any interest in meeting. PBCN advised CNSC of this on May 5, 2025.

CNSC responded on May 8, 2025, stating that while CNSC cannot require Denison to engage with PBCN, CNSC does heavily consider a proponent's actions regarding Indigenous consultation and engagement when evaluating applications and making staff recommendations to the Commission and it is always the expectation of CNSC that a proponent to be consulting and engaging in good faith.

In conclusion, since 2023, PBCN has provided CNSC and Denison with extensive information relating to PBCN's Aboriginal and treaty rights in the Proposed Project area.

PBCN has repeatedly and consistently expressed its concern and frustration to CNSC regarding Denison's position that the Proposed Project will have no potential impacts on PBCN, despite the absence of any meaningful engagement or exchange of information between Denison and PBCN. Notably, in a letter to PBCN dated January 22, 2025, CNSC stated that "Denison expected to discuss with PBCN how their comments and concerns have been addressed." Inexplicably, this item was marked as "Completed," even though Denison has neither considered the potential impacts on PBCN's Aboriginal and treaty rights nor engaged in any meetings with PBCN since September 2023 (the "2023 Meeting"). Following the 2023 Meeting, Denison failed to include critical oral information shared by PBCN—concerning the Nation's traditional land use and the exercise of its rights—in any of the regulatory documentation for the Proposed Project. Even now, despite having access to detailed information regarding species and the

nature of Aboriginal use gathered through PBCN's work with the Firelight Group, Denison has dismissed the information as vague.

PBCN remains deeply concerned that the Proposed Project may have significant adverse impacts on its Aboriginal and Treaty rights, and that the regulatory process to date has failed to adequately assess these potential impacts, consider PBCN's perspective and indigenous knowledge, incorporate a mechanism whereby PBCN can collaborate with the regulator and Denison to develop specific mitigation measures to address these adverse impacts.

To suggest that PBCN's comments and concerns can be disregarded on the basis that the EIS contains general mitigation measures is both inaccurate and inconsistent with the Federal Crown's own policies on Indigenous consultation and engagement. This approach disregards the essential requirement of meaningful consultation. The mitigation measures set out in the EIS were developed prior to the Crown's acknowledgment of its duty to consult with PBCN and, as previously noted, do not incorporate any Indigenous or community knowledge provided by PBCN. Measures developed unilaterally by Denison —without PBCN's involvement or any consideration of the specific impacts on PBCN's Aboriginal and Treaty rights—do not meet the standards required under the Crown's duty to consult. It is imperative that PBCN be actively involved in the evaluation of mitigation measures to ensure they are responsive to the actual and potential impacts on PBCN's Aboriginal and treaty rights.

As the lead regulator for the Proposed Project, CNSC has a duty to conduct a comprehensive evaluation of the potential effects on PBCN's Aboriginal and Treaty rights —particularly in light of the Crown's actual and imputed knowledge, as further substantiated by the extensive evidence PBCN has collected and provided to CNSC—and to ensure that appropriate measures are identified to avoid, mitigate, or accommodate these adverse impacts. As emphasized to CNSC on multiple occasions, PBCN remains fully willing to collaborate in this process, provided that adequate capacity funding is made available. PBCN has consistently indicated its readiness to engage on an expedited basis to assess the potential impacts on its rights and interests and to develop appropriate mitigation measures.

Yours very truly,



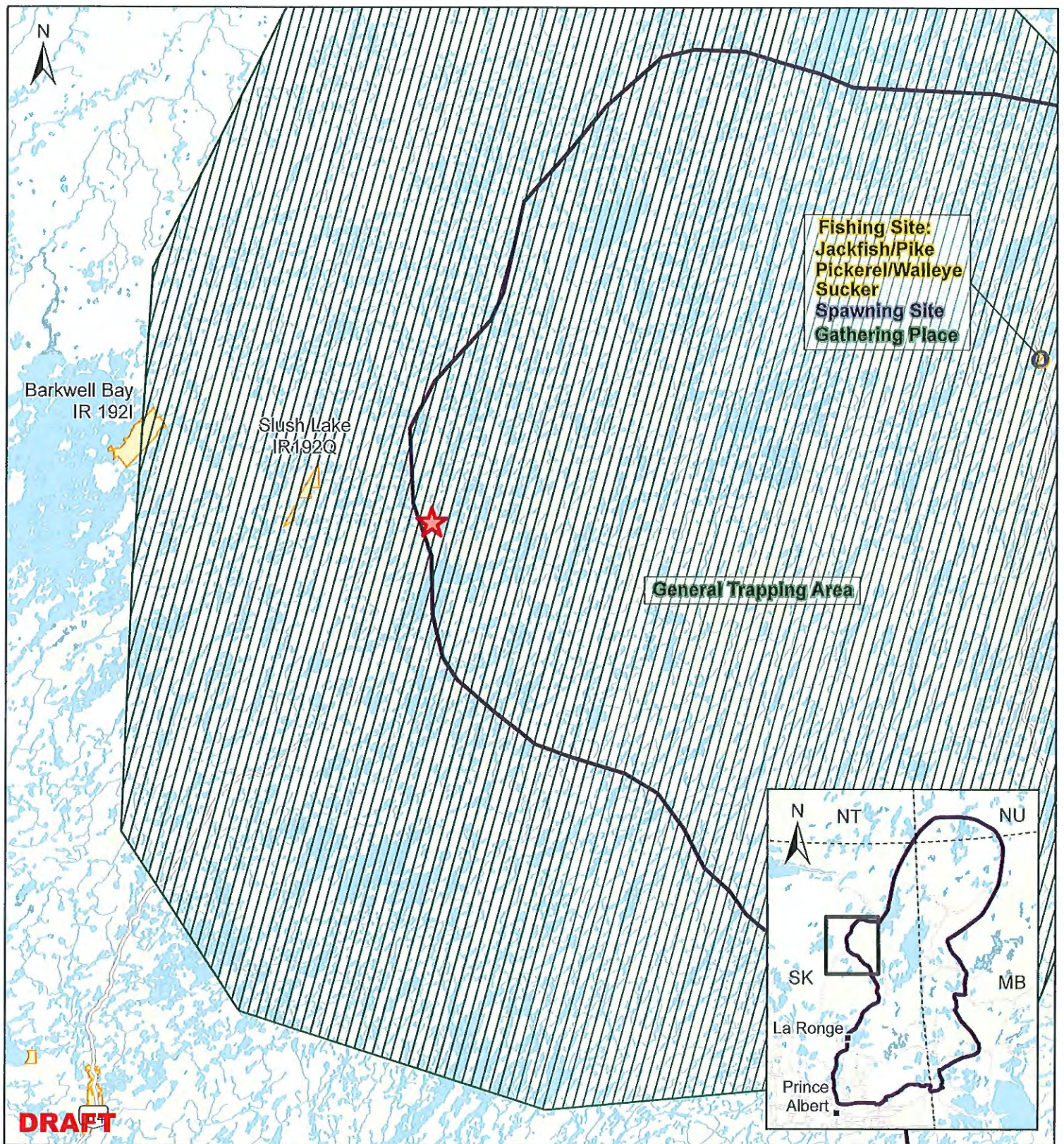
Ben Merasty
Executive Director

c.c. Ted Merasty, Director of Lands and Resources PBCN

Marg Rosling, Aldridge + Rosling LLP
Chani Campbell, Aldridge + Rosling LLP

Schedule "A"

Additional Mapping Evidencing Hunting and Trapping around the Proposed Project



**PETER BALLANTYNE
 CREE NATION REPORTED
 SITE-SPECIFIC USE VALUES**

n* = 2

Activity Class

- Cultural
- Environmental
- Subsistence

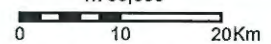
Wheeler River Project

- Traditional Territory
(2024 Boundary)**

Base Data

- Reserve
- Road
- Watercourse
- Waterbody

1:750,000



To account for margin of error and protect confidentiality of locations, all reported use value point locations are randomized by 250 metres and are shown with a 1 kilometre buffer. All reported lines and polygons are shown with a 1 kilometre buffer. Absence of site-specific data does not indicate absence of interest or use.

Map produced by the Firelight Group on Tuesday, April 15, 2025. Base data originate from Environment and Climate Change Canada and Natural Resources Canada. Base map originates from Natural Resources Canada and ESRI. Traditional Territory Digitized on February 1, 2023. Map projected to NAD1983 UTM Zone 13N.

This map does not fully capture the relationship of the Peter Ballantyne Cree Nation community to their traditional lands or the extent of the practice of Treaty and Aboriginal rights. This map is a living document and is intended to be amended and refined over time. This map is property of the Peter Ballantyne Cree Nation and may only be reproduced with written permission.



*n indicates the number of unique respondents represented in the site-specific data