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February 16, 2021

Files: W2020X0005 and W2020L8-0003

To Crown-Indigenous and Northern Affairs Canada – Contaminants and Remediation Division (CIRNAC-CARD),

Re: Information Request Resulting from Kwetjjaà (Rayrock) Technical Session – Type A Water Licence and Type A Land Use Permit Applications (W2020L8-0003 and W2020X-0005)

After the Wek'èezhii Land and Water Board (WLWB) Technical Session of January 26-28, 2021, for the Crown-Indigenous and Northern Affairs Canada – Contaminants and Remediation Division (CIRNAC-CARD) Type A Water Licence (W2020L8-0003) and Type A Land Use Permit (W2020X-005) Applications for the Rayrock Project, Information Requests (IRs) were submitted to CIRNAC-CARD on January 29, 2021. CIRNAC-CARD provided responses to these IRs on February 10, 2021.¹

IR #18 for CIRNAC-CARD

In IR #15, CIRNAC-CARD was asked to provide information related to the water sources to be used if construction of the Tjichq winter road was required. In response, CIRNAC-CARD stated that: “The Tjichq winter road has been constructed by GNWT for many years using the same, proven water sources for construction. The Rayrock Remediation Project does not intend to use new water sources in the construction. We have requested the listed information from the GNWT, but they have not yet had the opportunity to provide this information to date.” At this time, it is Board staff’s understanding that any potential water source that is being requesting for inclusion in the Water Licence must be identified now and subject to Preliminary Screening. Thus, the WLWB is requesting the following information from CIRNAC-CARD, which will undergo public review:

CIRNAC-CARD is asked to provide the information related to water sources to be used if construction of the Tjichq winter road is required, as previously outlined in IR#15. If CIRNAC-CARD cannot provide the specific list of sources previously used by the GNWT, it can instead provide a map outlining all of the potential water sources in the area that may be used in construction of the Tjichq winter road.

In its responses to IRs# 4, 9, 12, and 15, CIRNAC-CARD provided information regarding potential project changes which may require Preliminary Screening. The WLWB is requesting additional information from CIRNAC-CARD addressing these potential changes. Following receipt of this information, Parties will be given the opportunity to provide input and the applicant an opportunity to respond. Based on the information received, the WLWB will determine whether any potential changes will need to undergo Preliminary Screening.

IR #19 for CIRNAC-CARD:

In response to IR #4, CIRNAC-CARD stated that “The contractor may have a need to expand the existing dock

¹ See WLWB Online Registry (www.wlwb.ca) for [Rayrock – Technical Session – CIRNAC IR Response – Feb 10 21](#)

or to construct a new dock for the Project.” The Standard Water Licence Conditions define Construction as “any activities undertaken during any phase of the Project to construct or build any structures, facilities or components of, or associated with, the development of the Project.”² CIRNAC is asked to confirm if it is requesting consideration of in-water construction as part of the Scope of its Applications. If so, please describe the potential in-water constructions activities and location(s); identify any potential impacts; and identify proposed mitigations.

IR #20 for CIRNAC-CARD

In response to IR #9, CIRNAC-CARD stated that: “All temporary infrastructure, such as sumps, pits and culverts, will be filled in, graded or removed, as necessary, to promote natural recovery and restore natural drainage.” In response to IR #12, CIRNAC-CARD stated that: “Treated camp wastewater will be placed into natural depressions or sumps in the ground, with the location approved by an Inspector”; and “EQCs for camp wastewater will apply only to the wastewater generated by the camp and will be measured at a point after treatment but before deposition in the sump.”

CIRNAC-CARD is asked to:

- A. Clarify if treated wastewater from the sumps will be discharged directly or indirectly to the Receiving Environment; and
- B. If so:
 - i. Clarify the proposed final discharge location(s) of treated camp wastewater; and
 - ii. Clarify, with supporting rationale, where the proposed Effluent Quality Criteria from its response to IR #12 will apply.

IR #21 for CIRNAC-CARD

At the Technical Session, CIRNAC-CARD presented the possibility of moving the location of the Containment Disposal Facility (CDF) from that which was initially proposed in its Applications, and it was understood that this possible move would require additional blasting of bedrock which would be used in construction of the CDF. In response to IR #11, CIRNAC-CARD stated that, with regards to the Mill Lake Bedrock Quality for bedrock sampling and analysis in 2019: for samples tested in 2020 “some uncertainty still exists with the samples collected from bedrock at southwest of Mill Lake”; and “Excavation, crushing and mixing of the bedrock tested to date could produce acid rock drainage if not carefully managed during design and construction.” In response to IR #6, CIRNAC-CARD stated that the Quarry Management Plan will provide geochemical criteria and a description of their intended application during the project.

CIRNAC-CARD is asked to:

- A. Describe the potential impacts and mitigations from potentially using bedrock in Construction that could produce acid rock drainage, as described in the response to IR #11; and
- B. To clarify contingencies or options considered for bedrock that does not meet geochemical criteria.

In order to ensure the regulatory process proceeds efficiently, we ask that CIRNAC-CARD submit the requested information (i.e., Response to IR# 18 to 21) as soon as possible, and no later than February 25, 2021.

² See MVLWB’s [Standard Water Licence Conditions and Schedules \(2020\)](#).

All information regarding this Water Licence and Land Use Permit applications proceeding will be posted on the WLWB's [Online Registry](#). If you have any questions, please contact Ryan Fequet via email or by phone at 867-765-4589.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ryan Fequet', with a horizontal line extending to the right.

Ryan Fequet,
Executive Director, WLWB

BCC to: Rayrock Distribution List