



Fisheries and Oceans
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Ontario & Prairie Region
520 Exmouth Street
Sarnia, Ontario
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Région de l'Ontario et des Prairies
520 rue Exmouth
Sarnia, Ontario
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November 23, 2020

WLWB file Votre référence
W2020L8-0003, W2020X0005

DFO file Notre référence
20-HCAA-02167

Ryan Fequet
Executive Director
Wek'èezhii Land and Water Board
#1-4905 48th St
Yellowknife, NT X1A 3S3

Dear Ryan Fequet,

Re: Information Request for Rayrock Remediation Project Water Licence (W2020L8-0003) and Land Use Permit Application (W2020X0005)

The Fish and Fish Habitat Protection Program of Fisheries and Oceans Canada (DFO) acknowledges the receipt of the Information Request (IR) submitted by the Wek'èezhii Land and Water Board (WLWB) as per the November 19th, 2020 letter for the Rayrock Remediation Project Type A Water Licence (W2020L8-0003) and Land Use Permit Application (W2020X0005).

DFO reviewed the Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division (the Proponent) application for the Rayrock Remediation Project in accordance with our department's mandate and submitted four comments and recommendations to the WLWB Registry on October 28th, 2020. DFO's comments pertained to discharge volumes into Sherman Lake, in-water works for the placement of a diffuser, water withdrawal protocols and blasting. On November 17th, the Proponent responded to the submitted comments.

The WLWB-IR states the “[...] it remains unclear if DFO has any remaining concerns regarding potential impacts to fish and fish habit [SIC] and whether DFO is of the view that these concerns, if any, can be mitigated via the Board's licence and permitting process or DFO's regulatory process”. Therefore, it is DFO's understanding that the WLWB is seeking clarity on the DFO regulatory process and how this process may mitigate potential impacts to fish and fish habitat. The WLWB is correct in its understanding that the Request for Review process is used to assess the potential for harmful alteration, disruption or destruction of fish habitat (HADD) for projects near water and that DFO ensures that any potential impacts to fish and fish habitat are avoided, mitigated or appropriately offset.

After considering the Proponent's responses to our recommendations, DFO can confirm that potential impacts to fish and fish habitat from that works, undertakings or activities of this nature are routinely and successfully mitigated through the DFO regulatory process. In regards to

GNWT-ENR comment #48, DFO confirms there have been no fish Species at Risk identified therefore the regulatory process will not encompass risks to aquatic Species at Risk nor will an aquatic Species at Risk Permit be required.

For further inquiries related to this letter or DFO mandate, please contact Alasdair Beattie at: 867-444-0745, or Alasdair.Beattie@dfo-mpo.gc.ca

Sincerely,

David Nanang
Regional Director General
Ontario & Prairie Region
Fisheries and Oceans Canada

cc:

Alasdair Beattie, Team Lead, DFO
Gabriel Bernard-Lacaille, Senior Fisheries Protection Biologist, DFO
Olivia Sroka, Fisheries Protection Biologist, DFO