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November 19, 2020

File: W2020L8-0003 and W2020X0005

Joel Gowman  
Crown-Indigenous Relations and  
Northern Affairs Canada –  
Contaminants and Remediation Division  
P.O. Box 1500  
Yellowknife, NT X1A 2R3

Sent by e-mail

Dr. David Nanang  
Fisheries and Oceans Canada – Central and  
Arctic Region  
520 Exmouth Street  
Sarnia, ON N7T 8B1

Sent by e-mail

Dear Joel Gowman and Dr. David Nanang,

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

Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division (CIRNAC-CARD) submitted a complete application for a Type A Water Licence (W2020L8-0003) and a Type A Land Use Permit (W2020X0005) on September 21, 2020. The purpose of these Applications is for remediation activities at the Rayrock former Uranium Mine, the former Sun Rose Advanced Exploration Site, and affiliated sites.<sup>1</sup> The Applications were distributed for public review on September 29, 2020.

Under the Preliminary Screening Requirement Regulations of the *Mackenzie Valley Resource Management Act* (MVRMA), the Board must conduct a preliminary screening for such an application. As part of the public review, reviewers were encouraged to provide comments and recommendations to assist the Board with making its preliminary screening determination. Reviewers were asked to provide comments by October 28, 2020. CIRNAC-CARD's responses were received by the deadline of November 17, 2020.

As per rule #61 of the Board's Rules of Procedure,<sup>2</sup> Information Requests (IR) to CIRNAC-CARD and to Fisheries and Oceans Canada (DFO) are being issued to obtain additional information required to conduct the preliminary screening.

<sup>1</sup> See WLWB Online Review System ([www.wlwb.ca](http://www.wlwb.ca)) for [CIRNAC-CARD - Rayrock Remediation Project - Type A Land Use Permit and Type A Water Licence Application \(W2020X0005 & W2020L8-0003\)](#)

<sup>2</sup> [MVLWB Rules of Procedure, Including Public Hearings \(2018\)](#)

### **Information Request to CIRNAC-CARD:**

1. The Remedial Action Plan for the Rayrock Remediation Project includes several references to Human Health and Ecological Risk Assessments (HHERAs) that were completed for the Rayrock and Sun Rose sites to assist with understanding the site-specific environmental risks. As part of the public review of the Applications, the HHERAs were referenced in several comments and proponent responses regarding potential impacts and mitigations of the Project (e.g., Response to Environment and Climate Change Canada comment 10; Tłjchq Government comments 24 and 29, and Response to Tłjchq Government comment 32).

Please provide the Board with a copy of the relevant HHERAs.

2. DFO comment 1 identifies that if the two proposed treatment systems were running simultaneously, Discharge would be upwards of 3,000m<sup>3</sup>/day to Sherman Lake. The Application evaluates potential impacts of 1,500m<sup>3</sup>/day; however, it is unclear whether CIRNAC-CARD has evaluated potential impacts of discharging 3,000m<sup>3</sup>/day to Sherman Lake.

Describe the potential impacts and possible mitigations relevant to Discharge volumes of up to 3,000m<sup>3</sup>/day to Sherman Lake.

### **Information Request to DFO:**

1. During the public review of the Applications, DFO identified that additional information was required in order to review potential impacts to fish and fish habitat (i.e., DFO comments 1 and 4). While some of this information was provided in responses by CIRNAC-CARD, it remains unclear if DFO has any remaining concerns regarding potential impacts to fish and fish habitat 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.

In response to GNWT-ENR comment 38, CIRNAC-CARD indicated that it will be submitting a Request for Review to DFO. It is the Board's understanding that the Request for Review process is used to assess the potential for harmful alteration, disruption or destruction of fish habitat (HADD) and that as part of DFO's regulatory process, DFO ensures that any potential impacts to fish and fish habitat are avoided, mitigated or appropriately offset.

Please confirm if DFO believes that any potential impacts of the proposed activities will be mitigated as a result of DFO's regulatory process (i.e., Request for Review and Fisheries Authorization processes). If not, please identify the outstanding potential impacts and possible mitigations.

### **Deadline:**

In order to ensure the regulatory process proceeds efficiently, we ask that CIRNAC-CARD and DFO submit the requested information on or before Thursday, November 26, 2020. Responses will be

posted to the WLWB's Online Registry. If you have any questions, please contact Ryan Fequet at [rfequet@wlwb.ca](mailto:rfequet@wlwb.ca) or 867-765-4589.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the bottom.

Ryan Fequet  
Executive Director, Wek'èezhìi Land and Water Board

Copied: Rayrock Distribution List