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April 7th, 2021

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 Mr Fequet,

Re: CIRNAC-CARD Rayrock Remediation Project Water Licence (W2020L8-0003) and Land Use Permit Application (W2020X0005) – No Intervention

The intent of this letter is to inform the Wek'èezhii Land and Water Board (WLWB) that Fisheries and Oceans Canada (DFO) will not be acting as a formal Intervener for the remainder of the W2020L8-0003 water licencing process.

DFO would like to thank the WLWB for the opportunity to provide Interventions on the CIRNAC-CARD (the Proponent) Rayrock Remediation Project Type A Water Licence (W2020L8-0003) and Land Use Permit Application (W2020X0005).

DFO reviewed the 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 and on January 26-28th, a Technical Session was held.

After consideration of the Proponent's responses to our recommendations as well as information provided within the Technical Session, DFO confirms that potential impacts to fish and fish habitat will be successfully mitigated as a result of the DFO regulatory process and no outstanding concerns regarding impacts to fish and fish habitat exist with the information currently in front of the WLWB. Therefore, DFO informs the WLWB that DFO will not submit an Intervention or hearing presentation as part of these proceedings. DFO shall be present during the proceedings, as a member of the audience.

Attached to this letter, is a summary of comments raise by DFO and how they have been addressed and resolved. Please note, a Request for Review shall be submitted to DFO following the issuance of the Type A Water Licence by the WLWB (if the project is

approved to proceed), and this process shall ensure all harmful alteration, disruption and destruction to fish habitat will be avoided, mitigated or offset appropriately.

For further inquiries related to this letter or DFOs mandate, please contact Gabriel Bernard-Lacaille at: (780) 495-8469, or by email at gabriel.bernard-lacaille@dfo-mpo.gc.ca.

Sincerely,



Alasdair Beattie
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cc:

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Olivia Sroka, Fisheries Protection Biologist, DFO

1.1 Water Use

Review Comment Number	Type A Water Licence Application: Section 4: Description of Undertaking - Principle Water Use, pg 5
Subject/Topic	<ul style="list-style-type: none"> Water Treatment System Design
Summary	<p>CIRNAC stated that "For optimal treatment performance, Mill Lake water will be treated from approximately June 1 to August 31 (90 days) at an approximate average of 1,500 m³/day; although two treatment system may be used to decrease the required treatment time. Treatment may be extended into September or October, depending on weather and system performance[...]. The impact of Mill Lake water discharging at 1,500 m³/day will have a negligible effect on the Lake water level (less than a 1 mm/day rise) in the Sherman Lake waterbody[...]".</p> <p>DFO requested clarification on the effects to Sherman Lake levels for discharge volumes of 3000m³/day in order to review of potential impacts to fish and fish habitat in regard to rise in water levels and changes to littoral habitats. During the Technical Session, it was stated that it is not probable that two treatment systems will be used.</p>
Status	DFO does not have any outstanding concerns regarding the impacts to fish and fish habitat in regards to the discharge of a single treatment system discharging treated Mill Lake water into Sherman Lake.

1.2 Water Management – Diffuser

Review Comment Number	Remedial Action Plan: 5.3.1.8 Surface Water Management - Process Flow, pg 55
Subject/Topic	<ul style="list-style-type: none"> Use of Discharge Hose
Summary	<p>The proponent stated "Water is expected to be discharged to Sherman Lake through a hose/pipe and not via Mill Creek. Outlet considerations include dispersing the water energy by ejecting the water onto the bedrock shore or affix, mount or float a discharge pipe directly in Sherman Lake."</p> <p>DFO recommended that the proponent confirm the location and nature of the discharge outlet at Sherman Lake in order to review impacts to fish and fish habitat.</p>

	<p>Within the Technical Session, it was stated that specifications regarding the design for a discharge hose will be determined upon the procurement of a successful contractor and submitted within a specification package. It was stated that no in-water construction for the diffuser was anticipated, and the likely design would involve a floating barge in water depths deep enough to avoid sediment disturbance.</p>
<p>Status</p>	<p>DFO is awaiting confirmation of details in regards to the discharge diffuser design. Considering the options presented, DFO does not anticipate any impacts to fish or fish habitat that cannot be managed within our regulatory process.</p> <p>DFO will continue to work with CIRNAC-CARD to determine if the proposed works will be required to be included in the Request for Review.</p>

1.3 Blasting

<p>Review Comment Number</p>	<p>Type A Land Use Permit Application: Project Description: Mill Lake pg 6</p>
<p>Subject/Topic</p>	<ul style="list-style-type: none"> • Blasting
<p>Summary</p>	<p>DFO acknowledged that the Proponent has proposed works in which “The bedrock will be blasted at the outlet of Mill Lake, where it enters Mill Creek, to achieve these grades [...]”. DFO recommended that the proponent confirm if the instantaneous pressure change will exceed 50kPa at the edge of Sherman Lake.</p> <p>The proponent provided additional information outlining the distance and elevation of the blasting area in respects to the edge of Sherman Lake. CIRNAC has received useful guidance from DFO in this regard on past projects and outlined that low energy charges were one of the mitigating solutions developed at that time.</p>
<p>Status</p>	<p>DFO is awaiting confirmation of details in regards to a blasting plan for the proposed work. However, at this time, DFO has no major concerns that blasting will create impacts to the fish and fish habitat of Sherman Lake that cannot be managed within DFOs regulatory process.</p> <p>DFO will continue to work with CIRNAC-CARD to determine if the proposed work will be required to be included in the Request for Review.</p>

1.4 Dock Expansion

Review Comment Number	Rayrock Remediation Project - Type A WL and LUP Applications - Information Requests #18-21
Subject/Topic	<ul style="list-style-type: none"> • IR#19 - Dock Expansion
Summary	<p>DFO acknowledges that the Proponent has mentioned “The contractor may have a need to expand the existing dock or to construct a new dock for the Project. The footprint for any expansion is expected to be small, with minimal disturbances anticipated to sediments. Foundations for docks would likely be limited to small diameter (less than 0.3 m) pilings which would create minimal disturbance. No larger foundations (e.g., cribbing), which could disturb larger areas of sediment, are anticipated.”</p> <p>DFO recommended that CIRNAC-CARD provide clarification whether the pilings are to be driven into the lakebed, anchoring the dock to existing pilings or anchored to the top of the lakebed. The proponent provided additional information in regards to the size of the currently placed anchoring’s and pipe and agreed to include the design and work details within the Request for Review submission package.</p>
Status	<p>DFO is awaiting confirmation of details in regards to the dock expansion, however has no major concerns that the expansion will create impacts to fish and fish habitat that cannot be managed within DFOs regulatory process.</p> <p>DFO will continue to work with CIRNAC-CARD and looks forward to further reviewing the proposed works upon the submission of the Request for Review.</p>