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April 19, 2023

File: W2020X0005

Mark Cliffe-Phillips  
Mackenzie Valley Review Board  
200 Scotia Centre  
Box 938, 5102-50th Avenue  
Yellowknife NT X1A 2N7

Sent by email

Dear Mark Cliffe-Phillips,

**Re: Rayrock (Kwetłłᓃàà) Remediation Project – Notice of Preliminary Screening Determination – Amendment Application for Land Use Permit – Remediation – Former Rayrock Mine, NT**

The Wek'èezhì Land and Water Board (Board) met on April 19, 2023 and considered the Application Package from Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) Contaminants and Remediation Division (CARD) to amend Land Use Permit (Permit) W2020X0005 for the Rayrock (Kwetłłᓃàà) Remediation Project in the Former Rayrock Mine, NT (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the public record for the proceeding. Based on the evidence provided, the Board is satisfied the screening has been completed according to section 125 of the MVRMA and has decided **not to refer** the changes to the Project to environmental assessment. The Board's Preliminary Screening Determination and Reasons for Decision, as required by section 121 of the MVRMA, is attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of the amended Permit W2020X0005 on **Monday, May 1, 2023**.

The Board and staff look forward to continued communications throughout the pause period. Please contact Ryan Fequet via [email](#) or at (867) 765-4589 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mason Mantla', written in a cursive style.

Mason Mantla  
Chair, Wek'èezhìi Land and Water Board

BCC'd to: Rayrock Distribution List  
Ron Breadmore, CIRNAC-CARD

Attached: Preliminary Screening Determination and Reasons for Decision



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## Preliminary Screening Determination and Reasons for Decision

Land Use Permit Application	
<b>File Number</b>	W2020X0005
<b>Company</b>	Crown-Indigenous Relations and Northern Affairs Canada - Contaminants and Remediation Division
<b>Project</b>	Rayrock Remediation Project
<b>Location</b>	Former Rayrock Mine, NT
<b>Activity</b>	Miscellaneous
<b>Date of Decision</b>	April 19, 2023

### 1.0 Decision

In accordance with subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA), the Wek'èezhì Land and Water Board (WLWB or Board) met on April 19, 2023 to make a preliminary screening determination on the amendment Application from Crown-Indigenous Relations and Northern Affairs Canada - Contaminants and Remediation Division (CIRNAC-CARD) (Applicant) for Land Use Permit W2020X0005 (Permit)<sup>1</sup> for the former Rayrock Remediation Project (Project).<sup>2</sup>

The Board has determined that some Project activities and/or areas are exempt from preliminary screening, because they were previously screened. The Applicant has proposed new Project activities, however, and the Board has decided not to refer the proposed changes to the Project to the Mackenzie

<sup>1</sup>See WLWB Online Registry [[www.wlwb.ca](http://www.wlwb.ca)] for [Rayrock - Permit - Amendment Request - Increased Fuel Storage - Mar 24 23](#).

<sup>2</sup> The Project is the Rayrock Remediation Project, which is the proposed development, where “development” is defined in Part 5 of the MVRMA as:

“any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.”

Valley Environmental Impact Review Board (the Review Board) for Environmental Assessment because, based on the evidence, it is the Board’s opinion that the proposed changes to the Project will not have a significant adverse impact on the environment or be a cause of public concern.

The Board’s determination, including reasons for its decision, are detailed in sections [3.0](#) and [4.0](#).

## 2.0 List of Defined Terms and Acronyms

Applicant	Crown-Indigenous Relations and Northern Affairs Canada - Contaminants and Remediation Division
Application	The complete application package submitted by the Applicant for Land Use Permit W2020X0005.
Board	Wek’èezhì Land and Water Board
CRP	Closure and Reclamation Plan
EA	Environmental Assessment
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
Minister	Minister of Northern Affairs
ORS	Online Review System ( <a href="http://www.new.onlinereviewssystem.ca">www.new.onlinereviewssystem.ca</a> )
Party	As per the LWB <a href="#">Rules of Procedures</a> , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
Project	Rayrock Remediation Project, which is the proposed development (as defined in Part 5 of the MVRMA). <sup>3</sup>
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Permit Conditions	LWB <a href="#">Standard Land Use Permit Conditions Template</a>
TG	Tłı̨chǫ Government
TK	Traditional Knowledge
WMP	Waste Management Plan

## 3.0 Background and Scope of Screening

The Rayrock Remediation Project (the Project) is the environmental remediation of historical metal mining and exploration properties including the Rayrock Uranium mine, the Sun Rose (Northland) Advanced Exploration site, the Horn Plateau (REX) exploration site, three Rayrock-affiliated drilling sites, the power

<sup>3</sup> “development” is defined in Part 5 of the MVRMA as:

“any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.”

line infrastructure between Rayrock and the Snare Hydroelectric Facility at Big Spruce Lake, and a Rayrock-affiliated storage area at the Barge Landing. CIRNAC-CARD submitted Applications for a Type A Land Use Permit (W2020X0005) and Type A Water Licence (W2020L8-0003) on September 21, 2020 and the Board completed a preliminary screening of the Project on January 14, 2021. The Board also completed a preliminary screening on April 15, 2021 for new activities and areas regarding the location of the Confined Disposal Facility, dock expansion, indirect discharge of treated camp wastewater, and new water sources for construction of the Tłıchq winter road.

On March 16, 2023, CIRNAC-CARD submitted a request to amend condition 70 (MAXIMUM FUEL ON SITE) of Permit W2020X0005 to increase the total volume of petroleum products that can be stored on site from 258,300 litres to 735,000 litres.

The Application included proposed changes to the Project. Under Part 1, Schedule 1, section 2.1 of the Exemption List Regulations to the MVRMA, project areas and activities that have already been subject to Part 5 of the MVRMA are exempt from preliminary screening. The new Project activities require screening by the Board in accordance with subsection 124(1) of the MVRMA.

In accordance with paragraph 125(1)(a) of the MVRMA, the Board must conduct a preliminary screening of the proposed changes to the Project to determine and report to the Review Board whether, in its opinion, the proposed changes to the Project might have a significant adverse impact on the environment, or might be a cause of public concern. The details of the Board's analysis are set out in section [4.0](#) below.

### **3.1 Scope of Screening:**

The previously screened areas and activities are described in the Boards' January 14, 2021 and April 15, 2021 Preliminary Screening Determinations.<sup>4</sup>

The new activity that is being screened at this time is the increase in the volume of petroleum products that can be stored on site.

### **3.2 Public Record and Regulatory Proceeding**

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application and a draft Permit for public review on March 27, 2023, inviting reviewers to provide comments and recommendations on the Application and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS). Comments were due April 10, 2023, with responses from the Applicant due April 12, 2023. The Board received comments and recommendations from Environment and Climate Change Canada (ECCC) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC-Inspector). The Wek'èzhìi Renewable Resources Board (WRRB) and the

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<sup>4</sup> See WLWB Online Registry for [Rayrock - Preliminary Screening - Determination and Notification - Jan 14 21](#), and [Rayrock - Preliminary Screening - Determination and Notification - Apr 15 21](#).

Government of the Northwest Territories Environment and Natural Resources Environmental Assessment and Monitoring (GNWT-ENR-EAM) stated they had no comments and/or concerns.<sup>5</sup>

Since there were no requests to extend the reviewer comment deadline, the Board is satisfied that a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the MVRMA.

The Board is also satisfied that notice of the Application was provided to the Tłı̄ch̄q Government and that a reasonable period of time was provided for the Tłı̄ch̄q Government to make representations to the Board in accordance with section 63 of the MVRMA.

#### **4.0 Potential Impacts and Proposed Mitigations**

Table 1 below summarizes:

- the potential impacts of the proposed changes to the Project;
- the concerns that were identified during the regulatory proceeding and how the Applicant addressed those concerns;
- the proposed and potential mitigations for the potential impacts; and
- the Board's analysis of the potential impacts and proposed mitigations.

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<sup>5</sup> See WLWB Online Review System for [CIRNAC-CARD - Rayrock - Land Use Permit Amendment Request - Increased Fuel Storage - Mar 27, 23](#).

**Table 1: Potential Impacts and Proposed Mitigations for the Proposed Changes to the Project**

Potential Impact	Activity	Proposed Mitigations <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	Board Analysis and Determination
Soil Contamination	Transfer, storage, and use of petroleum products and/or chemicals.	<ul style="list-style-type: none"> <li>• Identified/Explained in the Amendment Request:               <ul style="list-style-type: none"> <li>○ Discussion of Concerns/Potential Impacts                   <ul style="list-style-type: none"> <li>• The amendment request considered the environmental impact with regards to the additional fuel. The request explained that the impact is usually based on the loss of one container, because only one container can be used at a time, and the other tanks remain sealed. The Applicant had originally considered three tanks for this Project and is now requesting to bring eight tanks. The main difference is that the storage area for these tanks will need to be bigger.</li> </ul> </li> <li>○ Proposed Mitigations                   <ul style="list-style-type: none"> <li>• A Spill Contingency Plan was submitted and is currently undergoing public review. The Spill Contingency Plan includes the required fuel volumes being requested with this amendment.</li> </ul> </li> </ul> </li> <li>• Comments/issues raised during the public review:               <ul style="list-style-type: none"> <li>• ECCC indicated that more information on the type of aviation fuel to be stored is needed to ensure that the proposed type and quantity of aviation fuel to be stored would not warrant additional mitigation measures than what is already captured by the Spill Contingency Plan (ECCC comment 2). ECCC recommended that CIRNAC-CARD ensure that the proposed type and quantity of aviation fuel to be stored on site would not warrant additional mitigation measures than what is already included in the Spill Contingency Plan (ECCC comment 2). CIRNAC-CARD responded that all mitigations regarding the proposed increase in aviation fuel are</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.

		<p>addressed within Section 3.1 of the updated Spill Contingency Plan (i.e., Version 4) that is currently out for public review.</p> <ul style="list-style-type: none"> <li>• ECCC also commented on the link between the amounts of fuel to be stored on site and the potential need for an Environmental Emergency Plan based on the application of the Environmental Emergency Regulations (ECCC comment 2). Specially, ECCC indicated that the SCP can be used as long as relevant requirements of the Environmental Emergency Regulations are included (ECCC comment 2). CIRNAC-CARD responded that the current capacities for fuels at Rayrock are within the Environmental Emergency Regulations and that should the maximum permitted amount of propane be brought to site in the future, then the Environmental Emergency Regulations would apply and CIRNAC-CARD would prepare the required submissions for ECCC.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ CHEMICALS</li> <li>○ WASTE CHEMICAL DISPOSAL</li> <li>○ WASTE PETROLEUM DISPOSAL</li> <li>○ WASTE MANAGEMENT PLAN</li> <li>○ REPAIR LEAKS</li> <li>○ FUEL STORAGE SETBACK</li> <li>○ FUEL CACHE SECONDARY CONTAINMENT</li> <li>○ SECONDARY CONTAINMENT - REFUELING</li> <li>○ FUEL CONTAINMENT</li> <li>○ MAXIMUM FUEL ON SITE</li> <li>○ SPILL CONTINGENCY PLAN</li> <li>○ SEAL OUTLET</li> <li>○ SPILL RESPONSE</li> <li>○ DRIP TRAYS</li> </ul> </li> </ul>	
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		<ul style="list-style-type: none"> <li>○ CLEAN UP SPILLS</li> <li>○ REPORT SPILLS</li> </ul>	
Changes in water quality	Transfer, storage, and use of petroleum products and/or chemicals	<ul style="list-style-type: none"> <li>• While not identified by the Applicant, the Board considered that the increase in fuel could lead to changes in water quality should any spills occur during the transfer, storage, and or use of petroleum products. The Board has standard permit conditions that are typically used to mitigate this potential impact. These standard conditions include: <ul style="list-style-type: none"> <li>○ DRILLING/ADIT SETBACK</li> <li>○ PARALLEL WATERCOURSE SETBACK</li> <li>○ STORAGE ON ICE</li> <li>○ DRILLING NEAR WATER OR ON ICE</li> <li>○ DRILLING WASTE</li> <li>○ DRILLING WASTE CONTAINMENT</li> <li>○ FUEL STORAGE SETBACK</li> <li>○ FUEL CONTAINMENT</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment and will not be a cause of public concern.

#### **4.1 Consideration of Potential Impacts**

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the changes to the Project might have a significant adverse impact on the environment. In general, impacts of the changes to the Project on the environment can be mitigated through the use of permit conditions of two general types:

1. conditions in the existing Permit, including requirements for management and monitoring plans, with revisions where necessary; and
2. new or unique conditions that may be needed to mitigate potential impacts of the changes to the Project that may not be addressed by the conditions in the existing Permit, and which may be from the Board's standard conditions list or established by the Board as per the LWB [Standard Process for Creating New Conditions](#).

These conditions may include requirements for management and monitoring plans that provide detailed information regarding the implementation of mitigation measures and the evaluation of their effectiveness.

A draft Permit was circulated for review during the regulatory proceeding, and all Parties were given the opportunity to provide comments and recommendations on the draft conditions. In finalizing the conditions, the Board will consider all of the evidence provided through the regulatory proceeding.

#### **4.2 Consideration of Public Concern**

In addition to considering the potential impacts of the changes to the Project, the Board considered whether the changes to the Project might be a cause of public concern.

Based on the evidence provided during the regulatory proceeding, the Board did not identify any comments or issues that indicate that the Project is a cause of public concern.

#### **5.0 Conclusion**

The Board completed preliminary screenings of the Project on January 14, 2021, and April 15, 2021;<sup>6</sup> however, the Application includes proposed changes to the Project. Accordingly, the Board has determined that Project activities that have already been subject to Part 5 of the MVRMA are exempt from preliminary screening under Part 1, Schedule 1, section 2.1 of the Exemption List Regulations to the MVRMA. The Board has conducted a preliminary screening of the proposed changes to the Project. The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed changes to the Project. Based on the evidence, it is the Board's opinion that the proposed changes to the Project will not have a significant adverse impact on the environment or be a cause of public concern, as set out in paragraph 125(1)(a) of the MVRMA. The Board has therefore decided

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<sup>6</sup> See WLWB Online Registry for [Rayrock - Preliminary Screening - Determination and Notification - Jan 14 21](#), and [Rayrock - Preliminary Screening - Determination and Notification - Apr 15 21](#).

not to refer the proposed changes to the Project to Environmental Assessment. If the Board does not receive a notice of referral to environmental assessment by April 29, 2023, the Board can issue the amended Permit on May 1, 2023.

SIGNATURE



April 19, 2023

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**Mason Mantla, Chair**  
**Wek'èezhìi Land and Water Board**

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**Date**