



PO Box 32, Wekweètì NT X0E 1W0
Tel: 867-713-2500 Fax: 867-713-2502

#1-4905 48th Street, Yellowknife NT X1A 3S3
Tel: 867-765-4592 Fax: 867-765-4593
www.wlwb.ca

November 29, 2024,

File: W2020L8-0003

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 (Kwetjjaà) Remediation Project – Notice of Preliminary Screening Determination – Amendment Application for Water Licence – Miscellaneous – Rayrock, NT

The Wek'èezhì Land and Water Board (Board) met on November 29, 2024, and considered the Type A Water Licence (Licence) W2020L8-0003 Amendment Application from Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division (CIRNAC-CARD) for the Rayrock (Kwetjjaà) Remediation Project (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 by **December 9, 2024**, it will continue with the regulatory proceeding.

The Board and staff look forward to continued communications throughout the pause period. Please contact Ryan Fequet via [email](mailto:ryan.fequet@wlwb.ca) 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

Attached: Preliminary Screening Determination and Reasons for Decision



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Preliminary Screening Determination and Reasons for Decision

Water Licence Application	
File Number	W2020L8-0003
Company	Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division
Project	Rayrock (Kwetłı̄ᓂà) Remediation Project
Location	Rayrock, NT
Activity	Miscellaneous, remediation
Date of Decision	November 29 th , 2024

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 November 29, 2024, 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 Water Licence W2020L8-0003 (Licence)¹ for the Rayrock Remediation Project (Project).

The Board has determined that some Project activities 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 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 decisions, are detailed in sections [3.0](#) and [4.0](#).

¹ See WLWB Online Registry [Rayrock Remediation Project – Water Licence - Dec 14 23](#)

2.0 List of Defined Terms and Acronyms

Applicant	Crown-Indigenous Relations and Northern Affairs Canada – Contaminants and Remediation Division
Application	Rayrock (Kwetłłᓃᓇ) Remediation Project Type A Water Licence Amendment
Board	Wek’èezhìi Land and Water Board
RAP	Remedial Action Plan
EA	Environmental Assessment
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	Mackenzie Valley Resource Management Act
Minister	Minister of the Government of the Northwest Territories – Environment and Climate Change
ORS	Online Review System (www.new.onlinereviewsystem.ca)
Party	As per the LWB Rules of Procedure , an applicant, a person, or an organization participating in the regulatory proceeding for the Applications.
Project	Rayrock Remediation Project, which is the proposed development (as defined in Part 5 of the MVRMA). ²
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Licence Conditions	LWB Standard Water Licence Conditions Template
TG	Tłı̄chq̄ Government
EQC	Effluent Quality Criteria
WMP	Waste Management Plan
SCS	Secondary Containment Structure

3.0 Background and Scope of Screening

On September 12, 2024, CIRNAC-CARD (the Applicant) submitted a complete application to amend its Type A Water Licence (Licence) W2020L8-0003 for the Rayrock (Kwetłłᓃᓇ) Remediation Project (the Project). The Project involves the cleanup of the former Rayrock Mine and other uranium exploration sites in the surrounding area of the Tłı̄chq̄ Region. The principal activity that requires a Type A Water Licence is the removal and treatment of all water from Mill Lake and the consolidation of the contaminated sediments under a landform cap in the former lake basin. The remediation work began in the summer of 2024, and it is expected to last for three years.

The Applicant is now requesting to amend the Water Licence to include the following:

² “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.”

- Part C, Condition 1 of the Licence to include water use from Sherman Lake to facilitate winter road construction;
- Part E, Condition 17, to increase the effluent quality criteria (EQC) for total suspended solids (TSS) from 15 mg /L to 25 mg/L;
- The Applicant is also proposing the inclusion of a containment structure as contingency for camp wastewater management.

The Application included an engagement record with details on the engagement completed prior to submission of the Application to the Board. The Engagement Log indicates that engagement took place from April 2024 to July 2024.³ The document includes the information that was discussed at biweekly meetings and a detailed record of a meeting held with the Tłı̨ch̨ Government and GNWT - Environment and Climate Change to discuss the intended water Licence Amendment. Tłı̨ch̨ Elders were involved in these conversations.

On August 13, 2015,⁴ the Board completed a preliminary screening of a Land Use Permit (W2015X0006) application for activities in support of the remediation of residual environmental impacts at the former Rayrock mine; these assessments would inform the development of the Remedial Action Plan (RAP). The Project was not referred to Environmental Assessment (EA) and the Land Use Permit was issued for a period of 5 years. On January 14, 2021, CIRNAC-CARD applied for a new Type A Land Use Permit (W2020X0005) and Type A Water Licence (W2020L8-0003) to support the remediation plan activities proposed in the RAP. The Board completed a preliminary screening of these applications, and the Project was not referred to EA.⁵ During the proceeding for the applications, proposed changes to the Project triggered an additional screening and the Board decided not to refer these changes to EA on April 15, 2021.⁶ On April 19, 2023,⁷ the Board conducted a preliminary Screening of CIRNAC-CARD's Land Use Permit Amendment Application to increase fuel storage allowance on site. This change to the Project was not referred to EA. On March 13, 2024⁸, the Board issued a notice of preliminary screening determination for a new request by CIRNAC-CARD to increase the volume of propane stored on site. This activity was considered exempt from preliminary screening by the Board.

With the current Application, the Applicant has requested an exemption from preliminary screening because the Applicant believes that the development, or a part thereof, has not been modified since it was previously licenced. However, the Board notes that previous Preliminary Screenings for this project did not include the proposed wastewater containment structure.

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.

³ See WLWB Online Registry for [Rayrock - Water Licence Amendment Application - Cover Letter - Sep 12 24, Appendix A](#)

⁴ See WLWB Online Registry for [Rayrock - LUP Application - Preliminary Screening - Aug 13 15](#)

⁵ See WLWB Online Registry for [Rayrock – Preliminary Screening and RFD – Jan 14 21](#)

⁶ See WLWB Online Registry for [Rayrock – Preliminary Screening and RFD – Apr 15 21](#)

⁷ See WLWB Online Registry for [Rayrock - Amendment - Preliminary Screening - Determination and Notification - Apr 19 23](#)

⁸ See WLWB Online Registry for [Rayrock – Amendment – Preliminary Screening Determination – Mar 13 24](#)

The new Project activities that have not been previously screened, 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 Board recognizes that activities at the Rayrock (Kwet̓̓j̓̓aà) site have undergone previous preliminary screenings as discussed in Section 3.0. The following is a list of activities included in the scope of the current Licence W2020L8-0003 that do not require preliminary screening because the Board understands them to have been previously considered:

a) Blasting, quarrying, and drilling activities for remediation activities; removal and shipping or burial of hazardous and non-hazardous waste in the Confined Disposal Facility; maintenance of Tailings Containment Areas and Decommissioned Waste Dump; Sherman Lake dock expansion; repairs to caps for Tailings Containment Areas and decommissioned Waste Dump, incineration or stockpiling for off-site disposal of waste from Camp operations; closure of Rayrock vent raises and Sun Rose mine shaft; capping waste rock and exploration workings at Sun Rose site; backfilling of trenches and blasted areas at Horn Plateau – REX Showing site; capping exploration workings at Horn Plateau – REX Showing site; burial or trucking out of soil with hazardous chemicals from exploration sites; removal of hazardous waste at barge landing and power line sites; removal of non-hazardous waste from exploration sites; storage and use of explosives; excavation and on-site disposal of spilled tailings; brush and vegetation clearing for access roads; access road development and maintenance; camp establishment at Rayrock and Sun Rose sites; use and regrading of quarry areas; fuel storage for operations; use of light and heavy equipment on site; treatment and encapsulation of Mill Lake sediments; encapsulation of soil, tailings, and waste rock in Confined Disposal Facility; burial of radiological-impacted debris in Confined Disposal Facility; off-site disposal of debris and materials within safe shipping limits for Uranium; removal and disposal of concrete foundations; sewage disposal; and remediation activities as approved in the Remedial Action Plan;

b) Withdrawal of Water for use in camp operations, dust control, washing, winter road construction, and remediation activities as approved in the Remedial Action Plan;

c) Dewatering of Mill Lake to Waste Water Treatment Facility before deposit in Sherman Lake,

d) Depositing of Waste to Confined Disposal Facility and the Camp sump;

e) Construction, operation, and maintenance of ice bridges to cross the Emile River or the Marian River;

f) Construction, operation and maintenance of culverts to allow winter road passage;

g) Construction, operation and maintenance of the Confined Disposal Facility and Sun Main Waste Rock Cover; and

h) Closure and Reclamation activities for the remediation and monitoring of the Rayrock project sites.

Some of the changes to the Project that CIRNAC-CARD is requesting as part of its Type A Water Licence (W2020L8-0003) Amendment Application involve activities and areas that have been previously screened:

- Inclusion of a water use from Sherman Lake to facilitate winter road construction:

The scope of the current Licence includes Sherman Lake as an authorized water source with a specified maximum volume for withdrawal. Although winter road construction is an authorized activity under the current Licence, Sherman Lake is not authorized for this particular use. The amendment request seeks to include Sherman Lake as a water source for winter road construction. In response to WLWB staff questions during the Technical Session, CIRNAC-CARD confirmed that the initially proposed annual maximum volume for Sherman Lake was calculated based on the Board's under-ice water withdrawal guidance and that this volume will remain unchanged in the amended Licence (See Technical Session transcripts⁹, PDF page 166, line 18). Therefore, this request does not involve an increase in water use from that previously considered by the Board and does not involve new potential impacts.

- Increase of effluent quality criteria (EQC) for total suspended solids (TSS) from 15 mg /L to 25 mg/L:

The discharge of treated water from Mill Lake into Sherman Lake is an authorized activity under the current Licence and has already been considered in the preliminary screening for the initial Type A Water Licence Application. The Licence includes standard conditions, such as Effluent Quality Criteria (EQC), to mitigate potential impacts from this discharge. Therefore, the request to modify the EQC for Total Suspended Solids (TSS) does not involve the inclusion of new activities or areas under the scope of the current Licence nor does it involve new potential impacts than those previously screened by the Board.

New Activities:

The new proposed activity being screened is the inclusion of a containment structure as contingency for camp wastewater management. Although the structure was constructed near the main camp within an approved borrow source area (i.e., an area already considered for land disturbance), the potential impacts associated with the construction of the structure and the associated storage of waste were not considered in previous preliminary screenings.

3.2 Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application for public review on September 12, 2024, inviting reviewers to provide comments and recommendations on the Application (e.g., on impacts and mitigation measures) using the Online Review System (ORS) by October 3, 2024.¹⁰

⁹ See WLWB Online Registry for [Rayrock – WL Amendment Application – Technical Session – Transcripts](#) – Nov 1_24

¹⁰ See WLWB Online Registry for [Rayrock Remediation Project – Type A Water Licence Amendment – IFR](#)

A draft Work Plan was developed by Board staff and distributed for comment with the Application. Comments on the draft Work Plan were received from parties by the deadline of September 19, 2024. The Board received a request to extend the reviewer comment deadline from October 3 to October 10, 2024. The Work Plan was revised to reflect this additional time to the comment deadline.¹¹ No other comments regarding the Work Plan were received. 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 Tłı̨chq̓ Government and that a reasonable period of time was provided for the Tłı̨chq̓ Government to make representations to the Board in accordance with section 63 of the [MVRMA](#).

The Board received comments and recommendations from Environment and Climate Change Canada (ECCC), GNWT Environment and Climate Change (GNWT-ECC), and Fisheries and Oceans Canada (DFO), and the CIRNAC Inspectors (attached).¹² Board staff also submitted comments and questions for the purposes of clarification. The Tłı̨chq̓ Government indicated that it did not have comments nor significant concerns at this time and expressed their support for an expedited process. Responses from CIRNAC-CARD were received by the deadline of October 17, 2024.

On October 29, 2024, a Technical Session was held to resolve as many concerns and uncertainties as possible prior to the public hearing scheduled for December 17, 2024. The topics included the secondary containment structure (SCS), and there was discussion related to mitigating potential impacts associated with the SCS. During the technical session, four Information Requests (IRs) were identified with responses due by November 6, 2024. IRs #1 to 3 were related to the proposed SCS. Responses to IRs were received on November 5, 2024.¹³

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.

¹¹ See WLWB Online Registry for [Rayrock – WL Amendment Application – Work Plan V. 1.0 – Sep 20 24](#)

¹² See WLWB Online Registry for [Rayrock Remediation Project – Type A Water Licence Amendment – IFR](#)

¹³ See WLWB Online Registry for [Rayrock – WL Amendment Application – Responses to Information Requests](#)

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	Temporary storage of camp wastewater	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application, responses to review comments, and/or IR responses: <ul style="list-style-type: none"> ○ Impacted soil found beneath the secondary containment facility during decommissioning would be excavated and placed in the confined disposal facility. ○ In response to WLWB staff comment 2 and CIRNAC-RLM comment 15, the Applicant indicated that the currently approved Spill Contingency Plan (SPC) includes provision for transfer of wastewater and that procedures outlined in the SCP are adequate to address potential spills from this activity. ○ In response to CIRNAC-RLM comment 7, the Applicant indicated that decommissioning of the camp wastewater treatment unit will occur during the offseason when construction personnel are not on site and removed from site via the winter road. The old and new treatment systems will not contain wastewater at the time of decommissioning and installation, and there is insignificant risk of release to the environment. ○ The SCS Construction, Maintenance, and Decommissioning document indicates the clay forming the base and berms of the secondary containment structure will be inspected and if signs of leakage are observed the surface will be scrapped. ○ In response to IR #1 CIRNAC-CARD indicated that the Remedial Action Plan 2.1 includes, in Appendix A, the Rayrock (Kwetj̄ᵛᵛᵛᵛ) Remediation Project Closure Objectives and Criteria that apply to the decommissioning of the Secondary Containment Structure. 	<p>The Licence requires CIRNAC-CARD to have an approved Waste Management Plan which aims to ensure potential adverse effects to the environment are minimized through waste management practices. The approved Spill Contingency Plan also aims to minimize impact on the local and surrounding environment. Further considerations for decommissioning could be considered through the SCS Construction, Maintenance, and Decommissioning Plan and/or the RAP.</p> <p>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/or will not be a cause of public concern.</p>

		<p>The Board has standard licence conditions that are typically used to mitigate the identified potential impact. These standard conditions include:¹⁴</p> <ul style="list-style-type: none"> ○ Part E Conditions 1 and 3, related to Waste Management and Part G conditions 2, 4, 5, and 6 related to Spill Contingency. A Waste Management Plan and a Spill Contingency Plan are requirements of the current Water Licence. An updated Waste Management Plan was submitted with the application for Board approval. The updated WMP includes procedures for the secure storage and management of wastewater in the SCS. ○ Part H, Condition 1 of the Licence requires that the Licensee complies with the approved Remedial Action Plan. As indicated by CIRNAC-CARD in response to IR #1 the RAP Version 2.1 includes decommission of the SCS. Version 2.1 of the RAP was submitted on September 27, 2024, and will be distributed for public review soon. 	
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¹⁴ See the WLWB Policies and Resources webpage to access the LWB [Standard Water Licence Conditions Template](#)

Destabilization /erosion	Use and regrading of borrow areas for use as Secondary Containment Structure	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application, responses to review comments, and/or IR responses, and <ul style="list-style-type: none"> ○ Soil erosion will be monitored in a similar manner to other potential areas of erosion according to the sediment and erosion control plan (SECP). ○ In response to an Information Request from WLWB staff (IR #2), CIRNAC-CARD confirmed its commitment to have a 100 m buffer zone around the SCS to avoid compromising the structure and its function while sourcing borrow material in the area. • The Board has Standard Licence Conditions typically used to mitigate potential impacts: <ul style="list-style-type: none"> ○ Standard conditions related to control or prevention of erosion are included in the current Licence (i.e., Part E, Condition 5 on Sediment and Erosion Control Plan). 	<p>The changes to the Project do not include new land disturbance. The project's footprint remains the same.</p> <p>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/or will not be a cause of public concern.</p>
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<p>Change in soil structure/ Inability to support vegetation</p>	<p>Use and regrading of borrow areas for use as Secondary Containment Structure</p>	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in response to an Information Request (IR #1): <ul style="list-style-type: none"> ○ The Remedial Action Plan 2.1 includes, in Appendix A, the Rayrock (Kwetjjaà) Remediation Project Closure Objectives and Criteria that apply to the decommissioning of the Secondary Containment Structure. ○ Following remediation, the area where the SCS is placed, will be reclaimed to reflect the surrounding topography, wildlife habitat, and Tł̓chq̓ cultural landscape, as described in the RAP Version 2.1, required by the Water Licence for Board’s approval. • The Board has Standard Licence Conditions typically used to mitigate potential impacts: <ul style="list-style-type: none"> ○ Project components, including the SCS, will be reclaimed as per the Remedial Action Plan (Part H, condition 1). 	<p>The changes to the Project do not include new land disturbance. The project’s footprint remains the same.</p> <p>Version 2.1 of the RAP has not yet been considered by the Board. It will be distributed for public review soon and the Board can consider any feedback relevant to this topic in its consideration of the submission.</p> <p>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/or will not be a cause of public concern.</p>
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<p>Changes in water quality</p>	<p>Secondary Containment Structure wastewater discharge.</p>	<p>The Applicant proposed the following mitigations in the Application, in responses to review comments, and/or IR responses:</p> <ul style="list-style-type: none"> ○ In response to reviewers’ comments (GNWT-ECC comment 6, ECC comment 3, WLWB staff comment 3, and CIRNAC Inspectors comment 6) CIRNAC-CARD indicated that all partially treated water stored in the SCS from the 2024 construction season has been moved to bladder tanks. If water (i.e., precipitation) accumulates in the SCS in sufficient volumes that require discharge, it will be tested using current approved EQC for the camp drainage field. If this water does not meet EQC, it will be directed to the wastewater treatment unit. There won’t be free standing wastewater in the SCS. ○ In further response to GNWT-ECC’s question, CIRNAC-CARD confirmed that the SCS will only be used as a secondary containment for bladder tanks holding camp wastewater (i.e., gray and black water) that does not meet EQC for discharge (see Technical Session Transcripts PDF Page 46, line 15). ○ In response to WLWB staff comment 3, CIRNAC-CARD indicated that the new camp wastewater treatment unit planned for installation in 2025 will be sized for a larger facility than the camp used for the project. This excess treatment capacity is expected to allow for treatment of both camp wastewater and accumulated precipitation, as needed. ○ In response to an Information Request (IR#1) CIRNAC-CARD indicated that as per Remedial Action Plan V. 2.1, Closure Objective and Criteria ID#5-1 applies to the SCS and states that post-remediation water quality results should meet monitoring objectives for five (5) consecutive years in accordance with the Post-Closure Monitoring and Maintenance Plan. ○ During the Technical Session, in response to WLWB staff comments, CIRNAC-CARD confirmed that any wastewater from the SCS that does not meet EQC will be directed to the water treatment facility, while compliant wastewater will be discharged at the same SNP station with coordinates associated for discharge from the camp wastewater treatment system.(See 	<p>The Secondary Containment Structure will be used as a contingency measure for camp wastewater (i.e., gray and black water from people working on site). Camp wastewater that does not meet EQC will be temporarily stored in bladder tanks contained within the SCS. There won’t be free standing wastewater in SCS.</p> <p>Based on the described mitigations, considerations, and options available to the Board, including Licence conditions, 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>
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		<p>Technical Session transcripts¹⁵ PDF Page 40, line 18 to Page 42 line 9) .</p> <ul style="list-style-type: none">• The Board has standard Licence conditions which are typically used to mitigate the described impacts:<ul style="list-style-type: none">○ Effluent Quality Criteria (Part E, condition 17)○ Aquatic Effects Monitoring (Part F, condition 1)○ Spill Contingency (Part G, conditions 1 and 2)○ Waste and Water Management (Part E, conditions 1 and 3)	
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¹⁵ See WLWB Online Registry for [Rayrock – WL Amendment Application – Technical Session – Transcripts](#) – Nov 1_24

<p>Terrestrial Wildlife Habitat – Direct injury or mortality; habitat fragmentation; changes to migratory movement patterns.</p>	<p>Secondary Containment Structure (SCS) for Wastewater</p>	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application, in responses to review comments, and/or in IR responses: <ul style="list-style-type: none"> ○ Monitoring of wildlife interaction with the secondary containment structure will be conducted with a minimum of daily inspections to check for evidence of interaction as described in the SCS Construction, Maintenance, and Decommissioning document submitted with the application. Should repeated wildlife interactions be found to be occurring or wildlife mortality, a fence will be constructed around the secondary containment facility. ○ In response to ECCC public review comment 5, CIRNAC-CARD indicated that standing water has been removed from the Secondary Containment Structure and the structure is not expected to represent an attractant for migratory birds because there is no expectation of having free standing water in the SCS. Wastewater will be contained within the bladder tanks and accumulated precipitation in the SCS will be treated and/or discharged. CIRNAC-CARD further noted that requirements related to mitigating potential impacts to wildlife have been discussed with the CIRNAC Inspectors and implemented. ○ In response to ECCC comment 6, CIRNAC-CARD acknowledged ECCC's management responsibilities for migratory birds, and the instances and requirement for notifying the Canadian Wildlife Service. CIRNAC-CARD further noted that ECCC's contact information is listed in Table 1 of the currently approved WMMP (V.2). <p>The Board has standard Licence and Permit conditions which are typically used to mitigate the described impacts:</p> <ul style="list-style-type: none"> ○ The Licence requires CIRNAC-CARD to have an approved Waste Management Plan which aims to ensure potential adverse effects to the environment and wildlife are minimized through waste management practices. The approved Spill Contingency Plan also aims to minimize impact on the local and surrounding environment. ○ Following remediation, the area where the SCS is placed, will be reclaimed to reflect the surrounding topography, wildlife habitat, and Tłjchq cultural landscape, as described in the RAP 	<p>The changes to the Project do not include new land disturbance, the project's footprint remains the same.</p> <p>The Secondary Containment Structure will be used as a contingency measure for camp wastewater (i.e., gray and black water from people working on site). Camp wastewater that does not meet EQC will be temporarily stored in bladder tanks contained within the SCS. There won't be free standing wastewater in SCS. Accumulated precipitation will be treated and/or discharged. Daily inspections will inform of the need to take additional measures.</p> <p>During the Technical Session, ECCC indicated that the Applicant's response to ECCC comment 5 resolved their concerns, provided the Proponent has a management plan in place to account for wildlife incidents and interactions and incident reporting procedures. CIRNAC-CARD has an approved Wildlife Monitoring and Management Plan (WMMP) annually reviewed and submitted for Board's approval. Parties can review the WMMP and provide recommendations through the Board's review process.</p> <p>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/or will not be a cause</p>
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		<p>Version 2.1, required by the Water Licence for Board’s approval (Part H of the current Water Licence).</p> <ul style="list-style-type: none"> ○ Land Use Permit subsection 26(1)(h) Wildlife and Fish Habitat, condition 53 on Wildlife Habitat Management and Monitoring requires the Permittee to comply with the approved Wildlife and Wildlife Habitat Management and Monitoring Plan, and to annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for Approval. As part of this Proceeding the Board can consider any feedback relevant to this topic in its consideration of the submission. 	<p>of public concern.</p>
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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 licence conditions of two general types:

1. conditions in the existing Licence, 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 Licence, 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.

The conditions will be discussed in further detail by all Parties through the regulatory proceeding and will be finalized by the Board following completion of the regulatory proceeding. In finalizing the conditions for the Water Licence, 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 thus far, 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 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 not to refer the proposed changes to the Project to Environmental Assessment. If the Board does not receive notice of referral to environmental assessment by December 9, 2024, the Board will resume the regulatory proceeding.

SIGNATURE



November 29, 2024

Mason Mantla, Chair
Wek'èezhìi Land and Water Board

Date