



P.O. 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](http://www.wlwb.ca)

November 19, 2020

File: W2018C0007

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

Sent by email

Dear Mark Cliffe-Phillips,

**Re: Notice of Preliminary Screening Determination – Land Use Permit Amendment Request – W2018C0007 – [Damoti Lake and Colomac Mine Site Area, NT]**

The Wek'èezhii Land and Water Board] (Board) met on November 19, 2020 and considered the Request from Nighthawk Gold Corp. (Nighthawk) to amend Land Use Permit (Permit) W2018C0007 to increase camp size, equipment, and security 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 project to environmental assessment. The Board's reasons for decision, as required by section 121 of the MVRMA, are attached.

If the Board does not receive notice of referral to environmental assessment, it can proceed with issuance of the amended Permit W2018C0007 on **November 30, 2020**.

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

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Joseph Mackenzie".

Joseph Mackenzie  
Wek'èezhii Land and Water Board, Chair

Copied to: Nighthawk Distribution List  
Michael Byron, Nighthawk

Attached: Preliminary Screening Reasons for Decision



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## Reasons for Decision

<b>Preliminary Screener</b>	WLWB
<b>Reference/File Number:</b>	W2018C0007 (Type "A" Land Use Permit)
<b>Permittee:</b>	Nighthawk Gold Corp.
<b>Subject:</b>	Type A Land Use Permit Amendment Request Preliminary Screening

## Decision from the Wek'èezhìi Land and Water Board Meeting of November 19, 2020

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### 1.0 Decision

The Wek'èezhìi Land and Water Board (WLWB or the Board) met on November 19, 2020 and considered an Amendment Request (the Request) from Nighthawk Gold Corp (Nighthawk) to increase the camp size, equipment, and security. The Board conducted a preliminary screening of the Application according to subsection 124(1) of the *Mackenzie Valley Resource Management Act* (MVRMA) based on the application package and the public record for the proceeding. Based on the evidence provided, it is the Board's view that the proposed Amendment will not have a significant adverse impact on the environment or be a cause for public concern as set out in paragraph 125(1)(a) of the MVRMA. Therefore, the Board has decided to **not to refer** the Project to Environmental Assessment.

In accordance with subsection 125(1.1) of the MVRMA, the Board shall not issue a licence, permit, or other authorization for the development before the end of 10 days after the day on which the Mackenzie Valley Environmental Impact Review Board (Review Board) received the report of the determination. If no referral to environmental assessment is received by November 30, 2020, the Board will issue the amended Land Use Permit.

## 2.0 Background

The WLWB issued the Permit W2018C0007 on February 15, 2019 for a period of five years commencing February 15, 2019 and expiring February 14, 2024. The Permit is to conduct exploration activities at the Damoti Lake and Colomac Mine areas. On October 15, 2020, Nighthawk submitted a complete Request to amend its Type A Land Use Permit.<sup>1,2</sup> Nighthawk proposed conditions 13 and 57 be amended as follows:

- Condition 13: The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application dated 16 October 2018 and the amended application dated 15 October 2020. **[Only Approved Equipment]**; and
- Condition 57: Prior to the commencement of the land-use operation on non-federal lands, the Permittee shall deposit with the Minister a security deposit in the amount of \$420,178. **[Security Deposit]**.

Additionally, Nighthawk is requesting to increase the size of the camp. No changes to conditions were proposed to reflect this change, however the Request would have an impact on reference documents related to the following condition:

- Condition 4: The Permittee shall use an existing campsite, as described in the complete application. **[Existing Camp]**.

The Request and Draft Permit<sup>3</sup> were distributed for public review on October 15, 2020, inviting reviewers to provide comments and recommendations using the Online Review System (ORS). In the Request, Nighthawk indicated that the Request should be exempt from preliminary screening because “the scope of this application is not being expanded to include any new activities.” In the Item for Review, reviewers were encouraged to provide comments and recommendations (e.g., on impacts and mitigations measures) to assist with the completion of the preliminary screening. Reviewer comments were due November 2, 2020. Comments and recommendations were received by the Crown Indigenous Relations Northern Affairs Canada – Inspector (CIRNAC Inspector), Government of the Northwest Territories – Environment and Natural Resources (GNWT-ENR), GNWT – Inspector, Tłıchǫ Government (TG); Board staff also submitted questions. The Wek’èezhii Renewable Resources Board (WRRB) indicated they had no comments or recommendations at this time. Nighthawk submitted responses to reviewer comments by the response deadline of November 6, 2020. Reviewer recommendations and the Proponent’s responses are available on the WLWB Online Registry.<sup>4</sup>

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<sup>1</sup> See WLWB Online Registry for [W2018C0007 – Nighthawk – LUP Amendment – Engagement Log – Oct 15 20.pdf](#)

<sup>2</sup> See WLWB Online Registry for [W2018C0007 – Nighthawk – LUP Amendment – Security Estimate – Oct 15 20.pdf](#)

<sup>3</sup> See WLWB Online Registry for [W2018C0007 – Nighthawk – LUP Amendment – Draft Permit – Oct 15 20.pdf](#)

<sup>4</sup> See WLWB Online Registry for [W2018C0007 – Nighthawk – LUP Amendment – Review Summary and Attachment – Nov 6 20](#)

### 3.0 Preliminary Screening

In the submission, Nighthawk stated that it believes the Request is exempt from preliminary screening as there are no new activities being included. Additionally, previous preliminary screenings have been completed.<sup>5,6,7</sup> Although the activities have been previously screened, Nighthawk has proposed to increase activities beyond what has been previously screened. Therefore, in accordance with subsection 124(1) of the MVRMA, the Board must conduct a preliminary screening of the Request.

The preliminary screening identifies potential impacts and mitigations for the proposed activities. As per subsection 125(1), the Board must: (a) determine and report to the Mackenzie Valley Environmental Impact Review Board (Review Board) whether, in its opinion, the development might have a significant adverse impact on the environment or might be a cause of public concern; and (b) where it so determines in the affirmative, refer the proposal to the Review Board for an environmental assessment.<sup>8</sup>

### 3.1 Potential Impacts and Proposed Mitigations

During the public review, reviewers were encouraged to provide comments and recommendations (e.g., on impacts and mitigation measures) to assist with the Board’s preliminary screening determination. Comments were received during the public review regarding potential impacts from the proposed Request from GNWT-ENR. These are discussed in Table 1, along with the Board’s analysis of the potential impacts.

**Table 1: Summary of Potential Impacts of the proposed Application and proposed Mitigations**

<b>Potential Impacts</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures the Applicant intends to apply to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>
Soil and surface water contamination from spills of fuel and petroleum products	Increase in use of motorized vehicles, drilling rigs, and expansion of camp	<ul style="list-style-type: none"> <li>• <b>Concerns:</b> <ul style="list-style-type: none"> <li>○ <b>Identified in the Request:</b> There is an increase in the number of diamond core drills, diesel generators, UTV’s, snow machines, and helicopters that are potentially being refueled and create additional waste products.</li> <li>○ <b>Identified during the public review:</b> No concerns were raised by Parties during the public review.</li> </ul> </li> <li>• <b>Mitigations:</b> <ul style="list-style-type: none"> <li>○ Standard conditions (e.g., Conditions 13, 38, 44, 45, 46, 60-74) related to the handling, containment and disposal of chemicals and fuel exist in the Permit to mitigate potential impacts.</li> </ul> </li> </ul>

<sup>5</sup> See WLWB Online Registry for [W2006C0001 – MERC – Preliminary Screening – Land Use Permit and Water Licence – Feb 9 06](#)

<sup>6</sup> See WLWB Online Registry for [W2012C0002 – Merc – Land Use Permit – Preliminary Screening – Feb 29 12](#)

<sup>7</sup> See WWLB Online Registry for [W2012C0002 – Nighthawk – Amendment Application – Preliminary Screening – May 29 14](#)

<sup>8</sup> See the Mackenzie Valley Environmental Impact Review Board ([www.reviewboard.ca](http://www.reviewboard.ca)) for the Environmental Impact Assessment Guidelines, 2004.

		<p>Additionally, Nighthawk has an approved Spill Contingency Plan<sup>9</sup> and Waste Management Plan<sup>10</sup> to ensure waste and spill situations do not create significant environmental impacts</p> <ul style="list-style-type: none"> <li>• <b>Board Analysis and Determination:</b> <ul style="list-style-type: none"> <li>○ <b>Based on the mitigations described above and the lack of concern raised by Parties, the Board does not believe that the proposed activities might have a significant adverse impact on the environment or might be a cause of public concern.</b></li> </ul> </li> </ul>
Soil Compaction	Increase in use of motorized vehicles, drilling rigs, and expansion of camp	<ul style="list-style-type: none"> <li>• <b>Concerns:</b> <ul style="list-style-type: none"> <li>○ <b>Identified in the Request:</b> There is an increase in the number of diamond core drills, diesel generators, UTVs, and snow machines that could potentially increase ground compaction.</li> <li>○ <b>Identified during the public review:</b> No concerns were raised by Parties during the public review.</li> </ul> </li> <li>• <b>Mitigations:</b> <ul style="list-style-type: none"> <li>○ Standard conditions (e.g., Conditions 18, 27, 27, 29, 30, 81) that prevent vehicles from impacting the ground through travel or leaking are in the existing Permit to mitigate potential impacts.</li> </ul> </li> <li>• <b>Board Analysis and Determination:</b> <ul style="list-style-type: none"> <li>○ <b>Based on the mitigations described above and the lack of concern raised by Parties, the Board does not believe that the proposed activities might have a significant adverse impact on the environment or might be a cause of public concern.</b></li> </ul> </li> </ul>
Changes in Air Quality	Increase in use of drilling and support equipment and increase in incinerating garbage and human waste	<ul style="list-style-type: none"> <li>• <b>Concerns:</b> <ul style="list-style-type: none"> <li>○ <b>Identified in the Request:</b> The Request identifies a camp expansion and increase in drilling and support equipment including diamond core drills, diesel generators, UTVs, and snow machines that will add to atmospheric loading of pollutants.</li> <li>○ <b>Identified during the public review:</b> No concerns were raised by Parties during the public review.</li> </ul> </li> <li>• <b>Mitigations:</b> Nighthawk has an approved Waste Management Plan<sup>11</sup> that includes incinerator management strategies that to minimize impacts of air quality. According to Condition 48 of the existing Permit, the Waste Management Plan<sup>12</sup> must be revised to reflect</li> </ul>

<sup>9</sup> See WLWB Online Registry for [W2018C0007 – Nighthawk – Spill Contingency Plan – Version 3.1 – Apr 17 19](#)

<sup>10</sup> See WLWB Online Registry for [W2018C0007 – Nighthawk – Waste Management Plan – Version 3.1 – Jun 7 10](#)

<sup>11</sup> See WLWB Online Registry for [W2018C0007 – Nighthawk – Waste Management Plan – Version 3.1 – Jun 7 10](#)

<sup>12</sup> *Ibid.*

		<p>changes in operations, technology, chemicals, or fuels, or as directed by the Board.</p> <ul style="list-style-type: none"> <li>• <b>Board Analysis and Determination:</b> <ul style="list-style-type: none"> <li>○ <b>Based on the mitigations described above and the lack of concern raised by Parties, the Board does not believe that the proposed activities might have a significant adverse impact on the environment or might be a cause of public concern.</b></li> </ul> </li> </ul>
Increase in noise	Increase in use of motorized vehicles, drilling rigs, and expansion of camp	<ul style="list-style-type: none"> <li>• <b>Concerns</b> <ul style="list-style-type: none"> <li>○ <b>Identified in the Request:</b> The amendment request identifies an increase in drilling and support equipment including diamond core drills, diesel generators, UTVs, and snow machines and will generate noise.</li> <li>○ <b>Identified during Public Review:</b> No concerns were raised by Parties during the public review.</li> </ul> </li> <li>• <b>Mitigations:</b> No mitigation will be used for noise generation, but the operations will be discontinuous and short-term.</li> <li>• <b>Board Analysis and Determination:</b> <ul style="list-style-type: none"> <li>○ <b>Based on the operation schedule of the Project and the lack of concern raised by Parties, the Board does not believe that the proposed activities might have a significant adverse impact on the environment or might be a cause of public concern.</b></li> </ul> </li> </ul>
Loss of vegetation	Increased drilling	<ul style="list-style-type: none"> <li>• <b>Concerns:</b> <ul style="list-style-type: none"> <li>○ <b>Identified in the Request:</b> Given that the operations at this site occur in the summer and winter seasons, vegetation at drill sites and camp could be disturbed.</li> <li>○ <b>Identified during the public review:</b> No concerns were raised by Parties during the public review.</li> </ul> </li> <li>• <b>Mitigations:</b> In the Request, Nighthawk has not proposed any mitigations, but identified that all disturbances will occur in small localized areas or areas that have been previously disturbed. In addition, existing Permit conditions (e.g., Conditions 21, 27, 28, 28, 29, 30, 47, 76, 82) mitigate potential impacts.</li> <li>• <b>Board Analysis and Determination:</b> <ul style="list-style-type: none"> <li>○ <b>Based on the mitigations described above and the lack of concern raised by Parties, the Board does not believe that the proposed activities might have a significant adverse impact on the environment or might be a cause of public concern.</b></li> </ul> </li> </ul>

<p>Destruction of bird nests and wildlife shelter</p>	<p>Clearing vegetation and conducting earthworks</p>	<ul style="list-style-type: none"> <li>• <b>Concerns:</b> <ul style="list-style-type: none"> <li>○ <b>Identified in the Request:</b> No concerns were identified in the Amendment Request.</li> <li>○ <b>Identified by reviewers:</b> During the public review, GNWT-ENR provided several recommendations regarding the destruction of bird nests and wildlife shelters as a result of clearing vegetation and conducting earthworks associated with the amendment (GNWT-ENR comments 2-15).</li> </ul> </li> <li>• <b>Mitigations:</b> Nighthawk’s WWMP was submitted to the Board but is not a requirement of the Permit.<sup>13</sup> As described in response to GNWT-ENR comments, the existing WMMP contains the mitigations and management to mitigate destruction of bird nests and wildlife shelter. In addition, the existing Permit condition Habitat Damage (Condition 47) is included in the Permit to mitigate any potential impacts.</li> <li>• <b>Board Analysis and Determination:</b> <ul style="list-style-type: none"> <li>○ <b>Based on the WMMP and existing Permit conditions described above, the Board does not believe that the proposed activities might have a significant adverse impact on the environment or might be a cause of public concern.</b></li> </ul> </li> </ul>
<p>Endanger wildlife</p>	<p>Wildlife attractants from waste on site</p>	<ul style="list-style-type: none"> <li>• <b>Concerns</b> <ul style="list-style-type: none"> <li>○ <b>Identified in the Request:</b> No concerns were identified in the Request</li> <li>○ <b>Identified during the public review:</b> During the public review, GNWT-ENR identified that waste management strategies to properly store and dispose of wildlife attractants at remote camps is not included in the WMMP (GNWT-ENR comments 16-19).</li> </ul> </li> <li>• <b>Mitigations:</b> Nighthawk’s Waste Management Plan<sup>14</sup>, required by Condition 48 (Waste Management) of the Permit, specifies how Nighthawk will deal with any wildlife attractants that arise from camp operations. The Permit also includes the condition Garbage Container (Condition 49) that is used to stop wildlife from accessing the garbage.</li> <li>• <b>Board Analysis and Determination:</b> <ul style="list-style-type: none"> <li>○ <b>Based on the Waste Management Plan and existing Permit conditions described above, the Board does not believe that the proposed activities might have a significant adverse impact</b></li> </ul> </li> </ul>

<sup>13</sup> See WLWB Online Registry for [W2018C0007 – Wildlife Mitigation and Monitoring Plan – Version 3.1 – Feb 28 19.pdf](#)

<sup>14</sup> See WLWB Online Registry for [W2018C0007 – Nighthawk – Waste Management Plan – Version 3.1 – Jun 7 10](#)

		<b>on the environment or might be a cause of public concern.</b>
Wildlife and Wildlife Habitat	Increased drilling activity	<ul style="list-style-type: none"> <li>• <b>Concerns:</b> <ul style="list-style-type: none"> <li>○ <b>Identified in the Request:</b> No concerns were identified in the Request.</li> <li>○ <b>Identified during public review:</b> During the public review, GNWT-ENT commented that the project area overlaps with the habitat for the Barren-ground caribou population, threatened species in the NWT (GNWT-ENR comment 21).</li> </ul> </li> <li>• <b>Mitigations:</b> The WMMP and existing Permit conditions (Condition 47, Habitat Damage) mitigate any potential impacts on the Barren-ground caribou population. According to Part C, condition 1, the Permittee must operate in accordance with the requirements of the Colomac Site Restrictions which have specific conditions for caribou migration.</li> <li>• <b>Board Analysis and Determination:</b> <ul style="list-style-type: none"> <li>○ <b>Based on the existing Permit conditions, the WMMP, and Colomac Site Restriction, the Board does not believe that the proposed activities might have a significant adverse impact on the environment or might be a cause of public concern.</b></li> </ul> </li> </ul>

**3.1.1 Summary of Potential Environmental Impacts**

During public review, GNWT-ENR provided the following recommendation with respect to impacts from the project:

ENR is of the opinion that the nature, scale, location, and timing of the proposed project are such that the likelihood of impacts to NWT-listed or pre-listed species can be avoided for minimized if ENR’s wildlife recommendations are implemented as necessary, as well as the application of any wildlife mitigation and monitoring measures outlined in the Proponent’s Land use Permit, Water Licence, Wildlife Mitigation and Monitoring Plan, and other supporting documents (GNWT-ENR comment 21).

The Board considered whether the Request might have a significant adverse impact on the environment. Mitigation measures for potential impacts are identified in Table 1 above. These mitigation measures include existing Permit conditions and management plans which are existing requirement of the Land Use Permit. The Board believes that these existing requirements address the concerns with respect to mitigating potential impacts.

### **3.1.2 Summary of Public Concern**

The Board must also consider whether the Request might be a cause of public concern. Although public concern may be less clearly defined than the questions related to significant adverse environmental impacts, it is the Board's responsibility to evaluate public concern as a potential trigger for an Environmental Assessment.

The Board notes that no reviewers voiced public concern in review of the application. In addition, in reviewing the comments provided during the public review, the Board did not identify any comments or issues that indicate a possible cause for public concern.

### **3.1.3 Overall Preliminary Screening Determination**

The Board has reviewed all the evidence received from Nighthawk and reviewers with respect to the Preliminary Screening of the Request. Based on the information provided by Nighthawk's Request and the public review; the current requirements of the Permit; the lack of public concern raised during the review process; and the absence of comments indicating that this Request should be referred to the Review Board, it is the Board's view that the proposed Amendment will not have a significant adverse impact on the environment or be a cause of public concern and has decided not to refer the Request to Environmental Assessment.

**Signed the 19th Day of November 19, 2020, on behalf of the Wek'èezhii Land and Water Board**



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Witness



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Joseph Mackenzie  
Chair, Wek'èezhii Land and Water Board