



26 March 2020

Joseph Mackenzie, Chair

Wek'eezhii Land and Water Board
#1-4905 48th St.
Yellowknife, NWT X1A 3S3

REQUEST FOR WATER LICENCE AMENDMENTS FOR THE NIGHTHAWK GOLD CORP AT INDIN LAKE GOLD PROPERTY

Dear Mr. Mackenzie,

Nighthawk Gold Corporation (Nighthawk) has currently two Water Licences for the Indin Lake Gold Property permitted by the Wek'èezhìi Land and Water Board (WLWB) under the following approval:

- Type B Water Licence W2018L2-0002 for federal land:
 - Issued on February 15, 2019
 - Expires February 15, 2024
- Type B Water Licence W2018L2-0003 for non-federal land:
 - Issued on February 15, 2019
 - Expires February 15, 2024

The limit of water use of these two Water Licences combined is 299 m³/day, currently divided as 179 m³/day for W2018L2-0002 and 120 m³/day for W2018L2-0003. Nighthawk respectfully submits amendment applications to the WLWB to have the water use limit increased to 299 m³/day for each of these two water licences, so that exploration may continue regardless of the boundaries between federal and non-federal lands within the Indin Lake Gold Property.

A precedent for this request is the water licences held by Canadian Zinc Corporation for the Prairie Creek All Season Road (the Prairie Creek ASR). The Prairie Creek ASR holds three Water Licences, one each for federal land, non-federal land, and Parks Canada land. On November 7, 2019, Mackenzie Valley Land and Water Board (MVLWB) stated in the reasons for decision:

- *By law the Board and Parks Canada can authorize Water Use up to 299 m³/day in each of their respective Type B licences.*
- *Reviewers did not express concerns on the environmental impacts of proposed Water Use of 299 m³/day during the regulatory review.*

Nighthawk Gold Corp.

141 Adelaide St. W., Suite 301, Toronto, Ontario M5H 3L5
Tel: (647) 794-4313
Fax: (416) 628-5911

- *ENR has recommended the Board includes a condition that specifies that the maximum Water Use of 299 m³/day (ENR-12, Sept 9, 2019).*
- *The licence conditions imposed by the Board in its Type B licences are protective of the environment and if problems are identified the Board has the authority to propose licence amendments itself.*

As such, Nighthawk is requesting amendments to W2018L2-0002 and W2018L2-0003 to increase the limit for each to 299 m³/day. This will also help to provide more clarity in water use, as some of the waterbodies covered by W2018L2-0002 and W2018L2-0003 spanned both federal and non-federal waters (see Table 1 and Figure 2 of the Water Use Plan Version 3.0).

We have attached an updated Water Use Plan (Version 3.0) with this amendment request. Nighthawk will continue to report all water use on both federal and territorial waters in the Annual Report (Water Use Plan Section 3.4).

The application package includes the following documents:

- Water Licence Amendment Application Form for:
 - Type B Water Licence W2018L2-0002 (federal land) and,
 - Type B Water Licence W2018L2-0003 (non-federal land)
- Updated Water Use Plan (Version 3.0)
- Updated Engagement Record

We thank you for your time on reviewing these amendment applications. We look forward to working with the WLWB and interested parties regarding these applications. Should you have any questions or need any additional information, please feel free to contact the undersigned.

Regards,

Nighthawk Gold Corp.



Michael J Byron, PhD, PGeo
President and CEO



APPLICATION FOR LICENCE, AMENDMENT OF LICENCE, OR RENEWAL OF LICENCE

Subsection 5(1) and Schedule C of the [Waters Regulations](#)

Use an "x" to indicate which Board the Application is being made to.	Mackenzie Valley Land and Water Board:		Sahtu Land and Water Board:	
	Wek'èezhii Land and Water Board:	X	Gwich'in Land and Water Board:	

To complete this form please fill in the grey boxes and attach additional pages, if necessary. Please review the following guidance for formatting your Application package:

- [Document Submission Standards](#)
- [Standard Outline for Management Plans](#)

If applicable, insert existing or current Licence number:	W2018L2-0003		
Use an "x" to indicate if this Application is accompanied by another Application for a Water Licence in a federal area and/or a Land Use Permit.	Water Licence:		X
	Land Use Permit:		

1. NAME AND CONTACT INFORMATION – APPLICANT

Applicant's Name:	Michael J. Byron, President & CEO, Director		
Mailing Address:	141 Adelaide St. W., Suite 301		
Community:	Toronto	Telephone:	(647) 794-4359
Prov/Terr:	Ontario	Email:	mbyron@nighthawkgold.com
Postal Code:	M5H 3L5	Other:	

2. NAME AND CONTACT INFORMATION – CORPORATE HEAD OFFICE, IN CANADA IF INCORPORATED

Please include a Certificate of Corporate Registration from the Government of the Northwest Territories in your Application Package.

Name:	Michael J. Byron, President & CEO, Director		
Mailing Address:	141 Adelaide St. W., Suite 301		
Community:	Toronto	Telephone:	(647) 794-4359
Prov/Terr:	Ontario	Email:	mbyron@nighthawkgold.com
Postal Code:	M5H 3L5	Other:	

3. LOCATION OF UNDERTAKING

Attach a map indicating watercourses and the location of any proposed waste deposits. Refer to the [MVLWB Policy on Transboundary Applications](#) to identify whether the proposed activities are transboundary. Refer to the [MVLWB Guideline for Geographic Information Systems \(GIS\) Submission Standard](#) for providing geographic information. Provide latitude and longitude geographic coordinates of project features, and the maximum and minimum project boundary in degrees, minutes, seconds, or decimal degrees.

Minimum latitude:	64° 0' 0.76" N	Maximum latitude:	64° 31' 52.2" N
Minimum longitude:	114° 48' 50" W	Maximum longitude:	115° 26' 23" W
No changes from W2018L2-0003.			
<p><u>Land Type(s)</u>: Use an "x" to indicate all the type(s) of land on which the project activities are proposed to occur. Additional guidance to determine land type(s) is available on the MVLWB website.</p>			
Free Hold/Private:	Commissioner's/ Territorial Lands:	X	Federal Crown Land:
			Municipal Land:

4. DESCRIPTION OF UNDERTAKING

Include a description of the proposed activities and contact Board staff to determine whether an activity-specific questionnaire will be required. For proposed amendments to authorized activities, specify: the nature of the amendment, the condition(s) to be amended, and the rationale for the amendment.

No changes from W2018L2-0003.

5. TYPE OF UNDERTAKING

Please refer to Schedule B of the Waters Regulations .		
Use an "x" to indicate which one type of undertaking applies.		
1	Industrial	
2	Mining and milling	X
3	Municipal	
4	Power	
5	Agriculture	
6	Conservation	
7	Recreation	
8	Miscellaneous	(describe): Advanced mineral exploration and satellite camp operations (if required).

6. WATER USE

Please refer to Schedules D to H of the Waters Regulations . Use an “x” to indicate which trigger(s) applies.		
To obtain water	X	
To cross a watercourse		
To modify the bed or bank of a watercourse		
Flood control		
To divert water		
To alter the flow of, or store, water		
Other		(describe):

7. QUANTITY OF WATER INVOLVED

Describe the purpose of each proposed water use, name and type (e.g., lake, river) of the water source, the location, and the quantity of water that would be used. Please add more rows if needed.

The quantity of water involved will be a maximum of 299 m3/day for each of Nighthawk’s two Water Licences, W2018L2-0002 and W2018L2-0003. Please refer to the proposed Water Plan V.3.0. No other changes requested from the approved water licence.

8. WASTE DEPOSITED

Include a Waste Management Plan in the Application Package, or for small-scale activities describe the proposed waste management activities in the space provided below. Guidance is provided in the [MVLWB Guidelines for Developing a Waste Management Plan](#). If waste is proposed to be disposed of off-site within the NWT, written confirmation (e.g., an email, letter, etc.) from the facility/facilities indicating they will accept the waste is required.

Municipalities must complete the relevant Operations and Maintenance Plans [using the available Templates](#) and include them in the Application Package. Please refer to Sections 4-8 of Environment and Climate Change Canada’s [Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document](#).

For activities that involve the deposit of waste into water, provide proposed effluent quality criteria in accordance with the [MVLWB Water and Effluent Quality Management Policy](#) and [MVLWB/GNWT Guidelines for Effluent Mixing Zones](#). Please refer to the [MVLWB/GNWT Guidelines for Effluent Mixing Zones](#) when mixing zones are being considered. Please refer to the [Guidelines for Aquatic Effects Monitoring Programs](#) for more information regarding the development of AEMP programs.

See approved Waste Management Plan V. 3.1 and approved Spill Contingency Plan V. 3.1. No changes from W2018L2-0003.

9. OTHER PERSONS OR PROPERTIES AFFECTED BY THIS UNDERTAKING

Applicants are encouraged to describe pre-Application engagement efforts with any existing water users and associated possible claims for water compensation or compensation agreements. Include the names and contact information of persons (e.g., existing licensees) or properties affected by this undertaking. An additional table should be added for each water user.

See approved Engagement Plan V.3.2 and the attached Engagement Record Update. No other changes from W2018L2-0003.

10. PREDICTED ENVIRONMENTAL IMPACTS OF THE UNDERTAKING AND PROPOSED MITIGATIONS

Describe all potential impacts and proposed mitigations. This information is used for the preliminary screening of impacts from the project and/or to develop conditions for the water licence. Please indicate whether any of the mitigation measures have been developed as a result of input from affected parties. Additional guidance is provided in [Appendix B of the MVLWB Guide to the Land Use Permitting Process](#), the [Mackenzie Valley Review Board Environmental Impact Assessment Guidelines](#), and the [Mackenzie Valley Review Board Socio-Economic Impact Guidelines](#). Alternatively, if you are seeking an exemption from preliminary screening, please provide supporting rationale.

Include a Spill Contingency Plan in the Application Package, or for small-scale activities, provide relevant details in the space provided below. Guidance is provided in [INAC Spill Contingency Guidelines](#).

The potential impacts of the increased maximum water use will be mitigated by adhering to the proposed Water Use Plan V.3.0. All other environmental impacts from the Project have undergone preliminary screening.
No other changes from W2018L2-0003.

11. CONTRACTORS AND SUB-CONTRACTORS

Please include relevant names, responsibilities, and contact information in the fields below. An additional table should be added for each contractor.

No changes from W2018L2-0003.

12. STUDIES UNDERTAKEN TO DATE

Please list and attach any relevant studies that support the proposed activities.

No changes from W2018L2-0003.

13. PROPOSED TIME SCHEDULE

Please include the time of year the project activities are planned to occur and indicate whether seasonal shutdowns are anticipated.

Start Date:	April 1, 2020	Completion Date:	February 28, 2025
No changes from W2018L2-0003.			
Term of Licence Requested:	Please refer to subsections 26(2) and 36(1) of the Waters Act .		

14. ADDITIONAL SUPPORTING INFORMATION

Engagement: Conduct engagement, prepare an Engagement Record and Engagement Plan in accordance with the [MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#), and attach them to the Application. Templates are provided in the Guidelines. Please also refer to [Information for Proponents on MVLWB's Engagement Requirements](#).

Eligibility: Please contact federal, territorial, and Aboriginal governments and other parties to ensure all appropriate authorizations have been obtained or are in the process of being obtained. Obtain permission from the landowner, if necessary (e.g., obtain and reference licences of occupation, leases, access authorizations, etc.) and attach it/them to the Application.

Land Use Planning: Please contact the applicable Land Use Planning Board or Tłı̨chǫ Government to discuss conformity with the relevant Land Use Plan(s). Attach a Land Use Plan Conformity Table that demonstrates how the project meets the requirements of the Land Use Plan, if applicable.

Traditional (Environmental) Knowledge (TEK/TK): Applicants are strongly encouraged to include TEK/TK in the Application. Provision of TEK/TK is mandatory for Applications to the Sahtu Land and Water Board.

Facilities: Please include the supporting information referenced in subsection 5(2) of the [Waters Regulations](#) if the project includes the following: dam(s); storage reservoir(s); watercourse crossing(s); camp(s) or lodge(s); use of water for industrial use or mining and milling; deposit of waste; or handling or storage of petroleum products or hazardous materials.

Closure and Reclamation: Please describe the plan for closure and reclamation, including any temporary closures and seasonal shutdowns, or include a Closure and Reclamation Plan in the Application Package. Please also refer to [MVLWB/AANDC Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories](#) and Environment and Climate Change Canada's [Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document](#).

Closure Cost Estimate: Prepare a [Closure Cost Estimate](#) and include it in the Application Package. Applicants are encouraged to contact the Board, prior to applying, to obtain a template to calculate security that is most suited to the project activities being applied for. Additional guidance is provided in section 2.2 of the [MVLWB/INAC/GNWT Guidelines for Closure and Reclamation Cost Estimates for Mines](#). If this Application is submitted concurrently with a Land Use Permit Application, please ensure water- and land-related activities and liabilities are provided.

Financial Capacity: Provide information relating to your financial capacity, as outlined in paragraph 26(5)(d) of the [Waters Act](#). Please note this information will be required by the Board prior to issuance.

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(Mackenzie Valley Land and Water Board, reasons for decision, date of decision November 7, 2019)

<http://registry.mvlwb.ca/Documents/MV2014F0013/MV2014F0013%20MV2014L8-0006%20MV2019L8-0002%20-%20CZN%20-%20ASR%20-%20Reasons%20for%20Decision%20-%20Dec10-19.pdf>

Name (print)	Title (print)	Signature	Date
Michael J. Byron	President & CEO, Director		

FOR OFFICE USE ONLY

	Amount (\$)	Receipt no.
Application fee		
Water use deposit		

Please make all cheques payable to the Receiver General for Canada.

The following guidance assists with determination of relevant fees:

- (1) [Water Licence Application Fee, Water Use Fee, and Security Deposit Information](#);
- (2) [Water Use Fee Policy](#); and

(3) [Water Use Fee Calculator](#).

Please submit completed applications to the Regulatory Manager or Executive Director at the respective Land and Water Board (www.mvlwb.com, www.wlwb.ca, www.slwb.com, www.glwb.com).