

REVIEW COMMENT TABLE

Nighthawk - Water Use Plan (W2018L2-0002 and W2018L2-0003) (WLWB)

File(s):

Proponent: Nighthawk Gold Corp.

Reviewer Comments Due By: Feb 25, 2019

Proponent Responses Due By: Feb 26, 2019

Documents: [Nighthawk - Water Use Plan - Feb 18 19](#) 0.1 MB

Item For Review Distributed On Feb 18 at 16:36 [Distribution List](#)

Item Description

On February 18, 2019, Nighthawk Gold Corp (Nighthawk) submitted a Water Use Plan, as per Part D, Condition 2 of Water Licences W2018L2-0002 and W2018L2-0003 and the Board's [January 24, 2019 Reasons for Decision](#). Nighthawk has provided information on water sources that Nighthawk has previously withdrawn from for mineral exploration purposes, as described in previous Annual Reports.

Nighthawk has indicated that this submission is time-sensitive. Please note that the review period for the Water Use Plan is shorter than standard.

Reviewers are invited to submit comments and recommendations using the Online Review System (ORS) by the review comment deadline specified below. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the proponent prior to submitting comments and recommendations.

Reviewers may also wish to consider providing an overarching recommendation regarding whether the Board should approve the submission, to provide context for the comments and recommendations and assist the Board with its decision.

All documents that have been uploaded to this review are also available on our public registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.

Contact Information

Brodie Costello 867-765-4583 Ryan Fequet 867-765-4589

Comment Summary

GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
6	General File	Comment  ENR Letter with Comments and Recommendations Recommendation		
1	Topic 1: Water Sources	Comment Based on a review of the current Water Licences, ENR notes that water sources such as Baton and Steeves Lakes have not been listed in the Water Licence. Any water source that has been approved (see the Board's Reasons for Decision) should be included in the relevant Water Licence (federal or non-federal). Additional water sources that are being proposed as water sources subject to approval can be included in a Water Use Plan. Alternatively, these proposed sources could be listed in a Schedule and not used until such time as they are deemed an approved source. Note, the Boards should be consistent when requesting information about water sources, approving water sources and drafting terms and conditions in Water Licences. The requirements for water use are outlines in the Waters Act and Waters Regulations as well as the Mackenzie Valley Resource Management Act and Mackenzie Valley Federal Area Waters Regulations. A review of the Water Licence and Water Use Plan suggests that neither Baton Lake or Steeves Lakes are approved sources, even though they are approved/listed in the Reasons for Decision. Recommendation 1) ENR recommends that Baton and Steeves Lake be added to the applicable Water Licence as an approved source as this is standard Water Licence process. However, given that both the federal	Feb 26: The Proponent will follow the guidance of the WLWB to include Baton and Steeves Lake as approved sources for Water Licence W2018L2-0003.	

		and non-federal Water Licences have been issued, the licensee can include these sources in an updated Water Use Plan.		
2	None	Comment None Recommendation 2) ENR encourages that the Boards ensure that standard processes for water licencing be followed between Land and Water Boards of the Mackenzie Valley that are consistent with past practice.	Feb 26: No comment.	
3	Topic 2: Federal vs Non-Federal	Comment The Water Use Plan as submitted by Nighthawk as well as the ORS item from the Board references both Water Licences W2018L2-0002 (federal lands) and W2018L2-0003 (non-federal lands) in the water sources requested. Given that these Water Licences cover activities to be conducted in areas of differing authorities (i.e. enforcement) it should be clear in the plan which specific Water Licence the water sources apply. Recommendation 1) ENR recommends that Nighthawk or the Board clarify under which Water Licence the request to utilize Indin Lake and Spider Lakes as water sources is being proposed.	Feb 26: Nighthawk will update the Water Use Plan to indicate that it is applicable to W2018L2-0003 (non-federal lands).	
4	Topic 3: Water Use Plan	Comment On February 18th, 2019, the Board requested comments on a Water Use Plan submitted by Nighthawk as required under Part D, Item 2 of their Water Licence. The following information has been noted in the submission: • Nighthawk wishes to utilize water from Indin and Spider Lakes; • The requested water use for the drilling season is 1955.5 m ³ and 2514.2 m ³ for Indin Lake and Spider Lake, respectively; • While bathymetric data was limited, a conservative estimate of depth was utilized for volume calculations; and • Indin Lake has a known maximum depth of 71m, while no maximum depths are known for Spider Lake, Nighthawk has proposed three depth measurements within 500m of the proposed withdrawal sites to confirm the depths are above 3m (as per DFO's minimum water depth requirements in this region). Recommendation 1) Based on the information provided, ENR has no concern with using Indin Lake as a water source.	Feb 26: No comment.	
5	None	Comment None Recommendation 2) ENR recommends that if Spider Lake is less than 3 meters deep at the proposed water withdrawal site, Nighthawk should conduct a lake assessment to determine its overall depth and total volume. The information should be provided to the inspector or the Board for approval 48 hours prior to withdrawing water from Spider Lake.	Feb 26: Nighthawk can incorporate this change into the Water Use Plan.	



February 25, 2019

Joseph Mackenzie
Chair
Wekeezhii Land and Water Board
#1-4905 48th Street
Yellowknife, NT
X1A 3S3

Dear Mr. Mackenzie,

**Re: Nighthawk Gold Corp.
Water Licence Applications – W2018L2-0002 and W2018L2-0003
Water Use Plan
Request for Comments**

The Department of Environment and Natural Resources (ENR, Government of the Northwest Territories) has reviewed the extension requests at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act* and provides the following comments and recommendations for the consideration of the Board.

Topic 1: Water Sources

Comment(s):

Based on a review of the current Water Licences, ENR notes that water sources such as Baton and Steeves Lakes have not been listed in the Water Licence. Any water source that has been approved (see the Board's Reasons for Decision) should be included in the relevant Water Licence (federal or non-federal).

Additional water sources that are being proposed as water sources subject to approval can be included in a Water Use Plan. Alternatively, these proposed sources could be listed in a Schedule and not used until such time as they are deemed an approved source.

Note, the Boards should be consistent when requesting information about water sources, approving water sources and drafting terms and conditions in Water Licences.

The requirements for water use are outlined in the *Waters Act* and *Waters Regulations* as well as the *Mackenzie Valley Resource Management Act* and *Mackenzie Valley Federal Area Waters Regulations*.

A review of the Water Licence and Water Use Plan suggests that neither Baton Lake or Steeves Lakes are approved sources, even though they are approved/listed in the Reasons for Decision.

Recommendation(s):

- 1) ENR recommends that Baton and Steeves Lake be added to the applicable Water Licence as an approved source as this is standard Water Licence process. However, given that both the federal and non-federal Water Licences have been issued, the licensee can include these sources in an updated Water Use Plan.
- 2) ENR encourages that the Boards ensure that standard processes for water licencing be followed between Land and Water Boards of the Mackenzie Valley that are consistent with past practice.

Topic 2: Federal vs Non-Federal

Comment(s):

The Water Use Plan as submitted by Nighthawk as well as the ORS item from the Board references both Water Licences W2018L2-0002 (federal lands) and W2018L2-0003 (non-federal lands) in the water sources requested. Given that these Water Licences cover activities to be conducted in areas of differing authorities (i.e. enforcement) it should be clear in the plan which specific Water Licence the water sources apply.

Recommendation(s):

- 1) ENR recommends that Nighthawk or the Board clarify under which Water Licence the request to utilize Indin Lake and Spider Lakes as water sources is being proposed.

Topic 3: Water Use Plan

Comment(s):

On February 18th, 2019, the Board requested comments on a Water Use Plan submitted by Nighthawk as required under Part D, Item 2 of their Water Licence.

The following information has been noted in the submission:

- Nighthawk wishes to utilize water from Indin and Spider Lakes;
- The requested water use for the drilling season is 1955.5 m³ and 2514.2 m³ for Indin Lake and Spider Lake, respectively;
- While bathymetric data was limited, a conservative estimate of depth was utilized for volume calculations; and
- Indin Lake has a known maximum depth of 71m, while no maximum depths are known for Spider Lake, Nighthawk has proposed three depth measurements within 500m of the proposed withdrawal sites to confirm the depths are above 3m (as per DFO's minimum water depth requirements in this region).

Recommendation(s):

- 1) Based on the information provided, ENR has no concern with using Indin Lake as a water source.
- 2) ENR recommends that if Spider Lake is less than 3 meters deep at the proposed water withdrawal site, Nighthawk should conduct a lake assessment to determine its overall depth and total volume. The information should be provided to the inspector or the Board for approval 48 hours prior to withdrawing water from Spider Lake.

Comments and recommendations were provided by ENR technical experts in the Water Management and Monitoring Division and the North Slave Region and were coordinated and collated by the Environmental Assessment and Monitoring Section, Environmental Stewardship and Climate Change Division.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email patrick.clancy@gov.nt.ca.

Sincerely,



Patrick Clancy
Environmental Regulatory Analyst
Environmental Assessment and Monitoring Section
Environmental Stewardship and Climate Change Division
Department of Environment and Natural Resources
Government of the Northwest Territories