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February 9, 2022

File: W2021L2-0004, W2021L2-0005 & W2021C0009

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: Indin Lake Gold Project – Notice of Preliminary Screening Determination – Applications for Land Use Permit and Water Licences – Indin Lake Area, NT

The Wek'èezhii Land and Water Board (Board) met on February 9, 2021 and considered the Applications from Nighthawk Gold Corp. (Nighthawk) for Land Use Permit (Permit) W2021C0009, Water Licence (non-federal Licence) W2021L2-0004 and Water Licence (federal Licence) W2021L2-0005 for the Indin Lake Gold 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 proceedings. 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 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 will continue with the regulatory proceedings of Permit W2021C0009, Licence W2021L2-0004, and Licence W2021L2-0005 on **Sunday, February 20, 2022.**

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

Mason Mantla
Chair, Wek'èezhii Land and Water Board

Bcc'd to: Nighthawk Distribution List
Denise Lockett, Nighthawk

Attached: Preliminary Screening Determination and Reasons for Decision



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Preliminary Screening Determination and Reasons for Decision

Water Licence and Land Use Permit Applications	
File Number	W2021L2-0004, W2021L2-0005 & W2021C0009
Company	Nighthawk Gold Corp.
Project	Indin Lake Gold Project
Location	Indin Lake, NT
Activity	Mining and Milling Undertaking, Mining Exploration
Date of Decision	February 9, 2022

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 February 9, 2022 to make a preliminary screening determination on the Applications from Nighthawk Gold Corp (Nighthawk or Applicant) for Land Use Permit W2021C0009 (Permit),¹ Water Licence W2021L2-0004 (non-federal Licence),² and Water Licence W2021L2-0004 (federal Licence)³ for the Indin Lake Gold Project (Project).⁴

The Board has determined that some Project activities are exempt from preliminary screening because they were previously subject to Part 5 of the Mackenzie Valley Resource Management Act. The Applicant has proposed new Project activities; however, 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.

¹ See WLWB Online Registry (www.wlwb.ca) for [Nighthawk – Permit Application – Application Form – Nov 3 21](#)

² See WLWB Online Registry for [Nighthawk – Non-Federal WL Application – Application Form – Oct 26 21](#)

³ See WLWB Online Registry for [Nighthawk – Federal WL Application – Application Form – Oct 26 21](#)

⁴ The Project is the Indin Lake Gold 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.”

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

2.0 List of Defined Terms and Acronyms

Applicant	Nighthawk Gold Corp
Applications	The complete application package submitted by the Applicant for Water Licence W2021L2-0004, Water Licence W2021L2-0005, and Land Use Permit W2021C0009.
Board	Wek’èezhìi Land and Water Board
CRP	Closure and Reclamation Plan
EA	Environmental Assessment
GNWT	Government of the Northwest Territories
GNWT-ENR	Government of the Northwest Territories – Environment and Natural Resources
GNWT-Lands	Government of the Northwest Territories – Lands
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
GNWT-ENR Minister	Minister of the Government of the Northwest Territories – Environment and Natural Resources (GNWT-ENR)
GNWT-Lands Minister	Minister of the Government of the Northwest Territories – Lands (GNWT-Lands)
CIRNAC-Minister	Minister of Northern Affairs
ORS	Online Review System (www.new.onlinereviewssystem.ca)
Party	As per the MVLWB Rules of Procedures , an applicant, a person, or an organization participating in the regulatory proceeding for the Applications.
Project	Indin Lake Gold Project, which is the proposed development (as defined in Part 5 of the MVRMA). ⁵
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
Standard Licence Conditions	MVLWB Standard Water Licence Conditions Template
Standard Permit Conditions	MVLWB Standard Land Use Permit Conditions Template
TG	Tłı̨chǫ Government
TK	Traditional Knowledge
WMP	Waste Management Plan

3.0 Background and Scope of Screening

Nighthawk submitted complete applications for a new federal type A Water Licence (W2021L2-0005), a new non-federal type A Water Licence (W2021L2-0004), and a new Type A Land Use Permit (W2021C0009) on November 3, 2021. The purpose of the submission was to support increased drilling

⁵ “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.”

and associated water use as advanced mineral exploration expands at the Indin Lake Gold Property, NT. This is a split-interest Project as the area includes both federal and non-federal lands. Nighthawk also submitted an updated Water Use Plan that proposes additional Water Sources and to reflect the proposed increase in total water use.

The Project areas and activities that have already been subject to Part 5 are listed below. Further information about these Project areas and activities, and associated impacts and mitigations are detailed in the Board's Preliminary Screening Determinations dated February 9, 2006,⁶ February 29, 2012,⁷ May 29, 2014,⁸ November 19, 2020,⁹ and April 22, 2021.¹⁰

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. However, the Applications include proposed changes to the Project. 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:

Previously Screened or Assessed Areas and Activities:

The Indin Lake Gold Property has been screened multiple times throughout the life of the Project to allow for Nighthawk to expand activities under the existing and previous Licences and Permits. Activities that the Board understands to have been previously considered, and which therefore do not require preliminary screening at this time, include:

- mineral exploration including diamond drilling;
- use of water and deposit of waste for a camp and use of water for drilling;
- use of satellite camps;
- construction, maintenance, and use of winter roads, access roads, and spur roads;
- use and storage of fuel;
- use and storage of explosives for trenching and bulk sampling if required;
- operation of a camp(s); and
- use of vehicles and equipment.

⁶ See WLWB Online Registry for [W2006C0001 – W2006L2-0001 – MERC – Preliminary Screening – Land Use Permit and Water Licence – Feb 9 06](#)

⁷ See WLWB Online Registry for [W2012C0002 – Merc – Land Use Permit – Preliminary Screening – Feb 29 12](#)

⁸ See WLWB Online Registry for [W2012C0002 – Nighthawk – Amendment Application – Preliminary Screening – May 29 14](#)

⁹ See WLWB Online Registry for [W2018C0007 – Nighthawk – LUP Amendment – PS Determination Notification and RFD – Nov 19 20](#)

¹⁰ See WLWB Online Registry for [W2018C0007 – Nighthawk – WL and LUP Amendment – PS Determination Notification and RFD – Apr 22 21](#)

New Activities:

The purpose of the Application is to support increased drilling and associated water use as advanced mineral exploration expands at the Indin Lake Gold Property. Although Nighthawk is not proposing to increase the number of drills being used for exploration activities, the proposed increase in water use will allow Nighthawk to expand its drilling program. Nighthawk is proposing to:

- Increase the main camp capacity from 80 people to 100 people, including additional tents and supporting infrastructure;
- Increase the water use from 299 cubic metres per day to 800 cubic metres per day;
- Simultaneous operation of seven diamond core drills as a result of increased maximum water use;
- Allow for water use from additional sources outlined in the Water Use Plan;
- Increase maximum fuel storage from 300,000 litres to 1,255,830 litres; and
- Increase the amount of equipment.

3.2 Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Applications, draft Licences, and a draft Permit for public review on November 5, 2021, inviting reviewers to provide comments and recommendations on the Applications and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS). Comments were due December 9, 2021, with responses from the Applicant due December 23, 2021. The Board received comments and recommendations from the Yellowknives Dene First Nation (YKDFN), the Government of the Northwest Territories – Lands Inspector (GNWT-Lands Inspector), Crown-Indigenous Relations and Northern Affairs Canada – Inspectors (CIRNAC-Inspector), GNWT – Lands, GNWT – Prince of Wales Northern Heritage Centre (GNWT-PWNHC), Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), CIRNAC – Contaminants and Remediation Division (CIRNAC-CARD), GNWT – Environment and Natural Resources (GNWT-ENR), and the Tłı̨chǫ Government (TG); Board staff also submitted comments.¹¹ The Wek'èezhii Renewable Resources Board indicated it had no comments or recommendations at this time.

Since there were no requests to extend the reviewer comment deadlines, 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 the Tłı̨chǫ Government (TG) has been consulted in accordance with section 63 of the MVRMA.

¹¹ See WLWB Online Review System for [Indin Lake Gold Project – Type A Water Licence Applications and Type A Land Use Permit Application](#)

4.0 Potential Impacts and Proposed Mitigations

Two draft Licences and a draft Permit that were compiled by Board staff based on the existing authorizations, Standard Conditions, and draft authorizations submitted by Nighthawk. These drafts were distributed for review with the complete Application and all Parties were given the opportunity to provide comments and recommendations of the draft conditions. Licence and Permit conditions for the Project will be discussed in further detail by all Parties through the proceeding and will be finalized by the Board following completion of the proceeding.

Table 1 below summarizes:

- the potential impacts of the proposed changes to the Project;
- the concerns that were identified during the 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.

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
Sensitive Land Features	Drilling Operations	<ul style="list-style-type: none"> • Mitigations proposed during review of the Application: <ul style="list-style-type: none"> ○ During public review, Nighthawk was asked if any activities will take place within 150 metres of the eskers (Board staff comment 15). Nighthawk responded that there are very few eskers within the Project boundaries and none at the Colomac site or other exploration target areas. Additionally, Nighthawk stated that eskers are avoided when selecting drill sites. 	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 or be a cause of public concern.
Soil contamination; Soil compaction; Inability to support vegetation	Clearing of timber, brush, or vegetation mat; simultaneous operation of up to seven drills; on-site storage or disposal of wastes; transfer, storage, and use of petroleum and/or chemicals; use of motorized and heavy equipment	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ following Permit conditions regarding brush disposal ○ undertaking drilling in disturbed areas at the former Colomac Mine Site ○ minimizing the area cleared for drill pads ○ following the Waste Management Plan and the Spill Contingency Plan ○ using existing roads when operating heavy equipment ○ complying to Permit conditions when operating equipment not on existing roads • Mitigations proposed during review of the Application: <ul style="list-style-type: none"> ○ Board staff comment 12: To mitigate impacts related to increased fuel storage, Nighthawk indicated that it would store all fuel in 205 litre barrels with secondary containment. Fuel will be cached within the disturbed area at the Colomac airstrip. ○ Board staff comment 13 and 14: Nighthawk stated that the secondary containment was sufficient because the current fuel cache could store up to 3,000 barrels and estimated that five additional berms would be constructed for additional fuel storage. Nighthawk indicated that the mitigations (e.g., training, appropriate spill response equipment, fuel cache, etc.) in the Spill 	Based on the described mitigations and lack of concern raised by Parties, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.

		<p>Contingency Plan still apply because the proposed method of fuel storage remains the same.</p> <ul style="list-style-type: none"> • The Board has Standard Permit Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ PARALLEL ROADS ○ USE APPROVED EQUIPMENT ○ MINIMIZE AREA CLEARED ○ CLEARING SENSITIVE AREA ○ BRUSH DISPOSAL/TIME ○ WASTE CHEMICAL DISPOSAL ○ SPILL CONTINGENCY PLAN ○ SPILL RESPONSE ○ DRIP TRAYS ○ CLEANUP SPILLS ○ REPORT SPILLS ○ REFILL CRATERS • The Board has Standard Licence Conditions¹² that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ EROSION CONTROL ○ SPILL CONTINGENCY PLAN ○ MATERIAL STORAGE – ORDINARY HIGH-WATER MARK 	
Water table alteration; Infiltration changes; Changes in water quality	Simultaneous operation of up to seven drills; transfer storage, and use of petroleum products and/or chemicals	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ depositing non-toxic drilling waste in a sump ○ complying with the Spill Contingency Plan ○ complying with Permit and Licence conditions • Mitigations proposed during review of the Application: <ul style="list-style-type: none"> ○ YKDFN comment 1: Nighthawk has agreed to apply the new Metal and Diamond Mining Effluent Regulations (MDMER) which have lower limits and referenced an SNP Report from 2019 which indicates that the low pH being measured at the Damoti Site is naturally below MDMER pH range and not due to Nighthawk's 	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 or be a cause of public concern.

¹² See the WLWB Policies and Resources webpage to access the MVLWB [Standard Water Licence Conditions Template](#)

		<p>activities.¹³ Additionally, Nighthawk committed to working with all interested Parties to develop Licence conditions and the Surveillance Network Program (SNP).</p> <ul style="list-style-type: none"> ○ CIRNAC-Inspector comment 3: To ensure the maximum water use is not exceeded Nighthawk indicated that it will report water obtained from federal and non-federal sources to both agencies to ensure the total water use is not being exceeded. ○ CIRNAC-Inspector comment 7: Nighthawk clarified that the total water use for the Project will not exceed 800 cubic metres per day. ○ ECCC comment 2: To ensure the impact of increase fuel storage is monitored, ECCC recommended that Total Petroleum Hydrocarbons are measured through the SNP at the Damoti Site. Nighthawk responded that there are no active fuel storage locations in the non-federal Licence and the fuel tanks at the Damoti Site will be moved to the Colomac Site in Winter 2022. As there may be a need to address historical spills at Damoti within the underground portal, the Board can consider updating the SNP during the remaining proceeding if necessary. ○ TG comment 15: Nighthawk indicated that it is confident that water in Lardass Lake will meet CCME Guidelines for the Protection of Aquatic Life in future years and indicated it would be agreeable to developing a response framework to provide mitigations should exceedances be measured in the future. ● The Board has Standard Permit Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ DRILLING/ADIT SETBACK ○ STORAGE ON ICE ○ FLOWING ARTESIAN WELL ○ CONSTRUCT ICE BRIDGES SNOWFILLS ○ REMOVE ICE BRIDGES/SNOWFILLS ○ DRILLING NEAR WATER OR ON ICE 	
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¹³ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – SNP Report – September 2019 – Aug 27_20](#)

		<ul style="list-style-type: none"> ○ DRILLING WASTE ○ DRILLING WASTE CONTAINMENT ○ WASTE MANAGEMENT ○ REPAIR LEAKS ○ FUEL STORAGE SETBACK ○ SPILL CONTINGENY PLAN <ul style="list-style-type: none"> • The Board has Standard Licence Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ MAXIMUM VOLUME ○ WATER SOURCES ○ WATER USE PLAN ○ MAXIMUM UNDER-ICE WATER WITHDRAWAL VOLUME ○ WATER INTAKE LOCATION – AUTHORIZATION ○ DISCHARGE LOCATION – ORDINARY HIGH-WATER MARK ○ REPORT ARTESIAN AQUIFER ○ SPILL CONTINGENCY PLAN ○ CLEAN UP SPILLS ○ MATERIAL STORAGE – ORDINARY HIGH-WATER MARK 	
Water flow or level changes; drainage pattern changes; changes in water quality; wetland impairment; changes to aquatic habitat	Simultaneous operation of up to seven drills; Increased withdrawal of water from a watercourse; Direct or indirect disposal waste into water; transfer, storage, and use of petroleum products and/or chemicals near a watercourse	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ limiting water use to the volumes outlined in the Water Use Plan ○ depositing all drilling and camp waste into sumps set back from waterbodies ○ storing all hazardous material at a distance from watercourses ○ complying with Permit and Licence conditions • Mitigations proposed during review of the Application: <ul style="list-style-type: none"> ○ Board staff comment 19: Nighthawk indicated that changing the point of compliance at the Damoti Site would not lead to additional impacts or require additional mitigations. Impacts beyond the site would continue to be monitored through the SNP to prevent impacts to Lardass Lake. ○ GNWT-ENR comment 5: Nighthawk agreed that SNP Stations 5-4 and 5-5 are appropriate locations for chronic water quality guidelines to be met. Nighthawk also agreed to the inclusion of a 	Based on the described mitigations and lack of concern raised by Parties, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.

		<p>response plan in the Water Use Plan to address any future exceedances.</p> <ul style="list-style-type: none"> • The Board has Standard Permit Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ DRILLING/ADIT SETBACK ○ STORAGE ON ICE ○ FLOWING ARTESIAN WELL ○ CONSTRUCT ICE BRIDGES SNOWFILLS ○ REMOVE ICE BRIDGES/SNOWFILLS ○ DRILLING NEAR WATER OR ON ICE ○ DRILLING WASTE ○ DRILLING WASTE CONTAINMENT ○ WASTE MANAGEMENT ○ REPAIR LEAKS ○ FUEL STORAGE SETBACK ○ SPILL CONTINGENY PLAN • The Board has Standard Licence Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ MAXIMUM VOLUME ○ MAXIMUM UNDER-ICE WATER WITHDRAWAL VOLUME ○ WATER INTAKE LOCATION – AUTHORIZATION ○ DISCHARGE LOCATION – ORDINARY HIGH-WATER MARK ○ REPORT ARTESIAN AQUIFER ○ SPILL CONTINGENCY PLAN ○ CLEAN UP SPILLS ○ MATERIAL STORAGE – ORDINARY HIGH-WATER MARK 	
Changes in air quality	Simultaneous operation of up to seven drills; burning fossil fuels; mobilization and operation of equipment	<ul style="list-style-type: none"> • Mitigations proposed during review of the Application: <ul style="list-style-type: none"> ○ TG comment 8: Most greenhouse gas emissions (GHG) are related to drilling and flights to access the site. To limit greenhouse gas emissions (GHG) related to the Project, Nighthawk indicated it would reduce the number of flights by using a winter road and would be interested in learning additional methods to reduce GHG emissions. 	It is the Board’s opinion that the main activities that would impact air quality (i.e., drilling and flying) will be dispersed over a large area, are intermittent in nature, and are not going to continue for an extended period of time. Therefore, the Board believes that the proposed activities will not have a significant

		<ul style="list-style-type: none"> • The Board has Standard Permit Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ USE APPROVED EQUIPMENT ○ WASTE MANAGEMENT PLAN 	adverse impact on the environment or be a cause of public concern.
Direct loss of vegetation; loss of Species at Risk or may-be-at-risk plants; changes in species composition; introduction of non-native (invasive species); effects on plant health; increase risk of fire; compaction of vegetation	Drilling operations; clearing of timber, brush, or vegetation mat; use of motorized and heavy equipment; burning of fossil fuels; transfer, storage, and use of petroleum products and/or chemicals	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ confining buildings at the Colomac Camp to the existing disturbed area ○ operating equipment on existing roads at the former Colomac Mine Site ○ complying with the Spill Contingency Plan ○ complying Permit and Licence conditions • Mitigations proposed during review of the Application: <ul style="list-style-type: none"> ○ ECCC comment 4: Nighthawk indicated that the drill sites that will be cleared are 10 metres by 10 metres in size and it was assumed 100 drill sites will be used and indicated very few wildlife sightings have occurred during operations. The Board notes that Nighthawk must comply with other legislation including the <i>Migratory Bird Act</i> which requires bird sweeps to be conducted for operations. ○ TG comment 10: Nighthawk referenced the Wildlife Management and Monitoring Plan that includes mitigations for wildlife impacts and limits the vegetation clearing to one hectare. • The Board has Standard Permit Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ CAMP SETBACK ○ USE EXISTING CAMP ○ OFF-ROAD VEHICLE TRAVEL ○ PREVENTION OF RUTTING ○ SUSPEND OVERLAND TRAVEL ○ VEHICLE MOVEMENT FREEZE-UP ○ MINIMIZE AREA CLEARED ○ CLEARING SENSITIVE AREAS ○ NATURAL VEGETATION ○ ENGAGEMENT PLAN 	Based on the described mitigations and lack of concern raised by Parties, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.

		<ul style="list-style-type: none"> • The Board has Standard Licence Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ EROSION CONTROL ○ WASTE MANAGEMENT PLAN ○ SPILL CONTINGENCY PLAN 	
<p>Direct loss or removal of habitat, dens, or nests; loss or removal of keystone species and/or Species at Risk habitat; fragmentation of wildlife corridor; direct injury or mortality; disturbances to key lifecycle stages; effects on population abundance; change in species diversity; effects on wildlife health; changes to migratory movement patterns; changes to predator-prey relationships; human-wildlife</p>	<p>Drilling operations; clearing of timber, brush, or vegetation mat; construction of structures; increased human presence; noise; on-site storage or disposal of wastes; on-site disposal of domestic wastes</p>	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ limiting the disturbed area to less than one hectare ○ constructing buildings within the disturbed footprint of the former Colomac Mine Site ○ forbidding Project staff from harvesting activities ○ complying with the Waste Management Plan for attractants such as food waste ○ complying with Permit and Licence conditions • Mitigations proposed during review of the Application: <ul style="list-style-type: none"> ○ ECCC comment 4: Nighthawk indicated that the drill sites that will be cleared are 10 metres by 10 metres in size and it was assumed 100 drill sites will be used and indicated very few wildlife sightings have occurred during operations. The Board notes that Nighthawk must comply with other legislation including the <i>Migratory Bird Act</i> that requires bird sweeps to be conducted. ○ ECCC comment 5 and 6: Nighthawk committed to updating the Wildlife Management and Mitigation Plan to include the most current information from the Species at Risk Public Registry related to its operations. ○ DFO comment 2: In response to DFO’s recommendation, Nighthawk indicated that all natural lakes would be assumed to be fish-bearing unless otherwise confirmed and the DFO Protocol for Winter Water Withdrawal was used to determine maximum withdrawal volume for all lakes. ○ DFO comment 3: Nighthawk indicated it is required to monitor and report water withdrawal from all sources to not exceed the maximum volume allowed for each water source. ○ TG comment 9: To mitigate the impact noise has on wildlife 	<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 or be a cause of public concern.</p>

conflicts		<p>harvesting, Nighthawk responded that the Engagement Plan has commitments that require Nighthawk to notify the TG of seasonal openings of the Colomac Camp which can be used to highlight any possible overlap in exploration activities and traditional land use.</p> <ul style="list-style-type: none"> ○ TG comment 10: Nighthawk indicated that impacts to the Bathurst Caribou would be mitigated through the Wildlife Mitigation and Management Plan. A condition related to the Plan was not included in the draft Permit or draft Licences distributed for review. The Board can consider including a non-standard condition related to the Wildlife Management and Mitigation Plan in the Permit and/or Licences. • The Board has Standard Permit Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ USE EXISTING CAMP ○ MINIMIZE AREA CLEARED ○ CLEARING SENSITIVE AREAS ○ NATURAL VEGETATION ○ MIGRATORY BIRD NEST DISTURBANCE ○ HABITAT DAMAGE ○ WASTE MANAGEMENT ○ ENGAGEMENT PLAN • The Board has Standard Licence Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ EROSION CONTROL ○ WASTE MANAGEMENT PLAN ○ SPILL CONTINGENCY PLAN ○ WATER INTAKE SCREEN ○ WATER INTAKE LOCATION – AUTHORIZATION 	
Breeding disturbances; change in species diversity; effects of health;	Drilling operations; use of motorized or heavy equipment adjacent to, within, or through a	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ complying with the Spill Contingency Plan ○ not storing any material on ice ○ complying with the Water Use Plan ○ depositing greywater and drill waste in sumps 	Based on the described mitigations and lack of concern raised by Parties, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.

<p>changes to migratory movement patterns; changes to predator-prey relationships; effects on population abundance; change in species diversity</p>	<p>watercourse; withdrawal of water from a watercourse</p>	<ul style="list-style-type: none"> ○ complying with Permit conditions • The Board has Standard Permit Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ MINIMIZE AREA CLEARED ○ CLEARING SENSITIVE AREAS ○ NATURAL VEGETATION ○ MIGRATORY BIRD NEST DISTURBANCE ○ HABITAT DAMAGE ○ SPILL CONTINGENCY PLAN ○ DRILLING WASTE • The Board has Standard Licence Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ WATER INTAKE SCREEN ○ WATER INTAKE LOCATION – AUTHORIZATION 	
<p>Loss or reduction in game species populations; effects on traditional land use, subsistence, and harvesting rights</p>	<p>Drilling operations; noise; withdrawal of water from a watercourse; direct or indirect disposal of waste into water</p>	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ complying with the Water Use Plan ○ depositing greywater and drill waste in sumps ○ complying with Permit conditions ○ forbidding Project staff from harvesting activities • The Board has Standard Permit Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ NATURAL VEGETATION ○ MIGRATORY BIRD NEST DISTURBANCE ○ HABITAT DAMAGE ○ DRILLING WASTE ○ MINIMIZE AREA CLEARED ○ WASTE MANAGEMENT PLAN ○ ENGAGEMENT PLAN • The Board has Standard Licence Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ WATER INTAKE SCREEN ○ WATER INTAKE LOCATION – AUTHORIZATION ○ WATER SOURCE AND MAXIMUM VOLUME 	<p>Based on the described mitigations and lack of concern raised by Parties, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>

		<ul style="list-style-type: none"> ○ WASTE MANAGEMENT PLAN ○ OBJECTIVE – PREVENT WASTE INTO WATER 	
Change to or loss of cultural integrity; change to or loss of traditional lifestyle; change to or loss of heritage resources	Clearing timber, brush, or vegetation mat; direct or indirect deposit of waste into water	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ avoid areas identified in the Archaeological Overview and archaeological Impact Assessment as high risk or having known archaeological sites ○ engage with the TG and NSMA to inform them of all exploration activities • Mitigations proposed during review of the Application: <ul style="list-style-type: none"> ○ TKDFN comment 1: To ensure water being released into the environment has a neutral pH, Nighthawk committed to working with Parties regarding Licence conditions and the SNP. ○ GNWT-PWNHC comment 1: Nighthawk did not provide a comment on retaining the ARCHAEOLOGICAL OVERVIEW and AIA – HIGH POTENTIAL conditions. These conditions were included in the draft Licence and protect historical, archaeological, and burial sites throughout the entire property. ○ TG comment 17: Nighthawk agreed to including a requirement to notify the Manager of Research Operations at the TG of any the discovery of any artifacts, heritage sites, or burial sites and consult with the TG Manager prior to moving any artifacts or disturbing any grounds within 150 metres of a burial site. The Board can consider including a non-standard condition to address this recommendation in the Licences. • The Board has Standard Permit Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ MINIMIZE AREA CLEARED ○ CLEARING SENSITIVE AREA ○ ARCHAEOLOGICAL BUFFER ○ SITE DISTURBANCE ○ SITE DISCOVERY AND NOTIFICATION ○ ARCHAEOLOGICAL OVERVIEW ○ AIA – HIGH POTENTIAL 	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 or be a cause of public concern.

<p>Increase human health hazard and risk; economic opportunities and losses; change in ecological, cultural, social, or economic values identified for protection in approved Land Use Plans; Impairment of recreational and traditional uses of the land or water; impairment of the aesthetic quality of the land or water; changes to the use of the area by other non-Indigenous people</p>	<p>Drilling operations; noise; increased human access and presence; direct or indirect deposit of waste into water</p>	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application: <ul style="list-style-type: none"> ○ engage with the TG and the NSMA to inform them of all exploration activities ○ have local employment and contracting opportunities • Some reviewers identified potential impacts: <ul style="list-style-type: none"> ○ CIRNAC-CARC comment 4: To ensure Nighthawk does not impact the on-going work of CIRNAC-CARD to remediate the former Colomac Mine Site, the Colomac Site Restrictions may be considered for inclusion in the Permit. ○ CIRNAC-CARC comment 2: To ensure Nighthawk does not impact the on-going activities to remediate the former Colomac Mine Site, Nighthawk indicated it will honour the Conveyance and Reclamation Agreement and the Colomac Site Restrictions. ○ TG comment 5: Nighthawk agreed to organizing an information session with the TG and Tłı̨ch̨o Citizens to explain how withdrawals of water could impact lakes for an opportunity to hear input from Tłı̨ch̨o citizens on environmental protection and community engagement. ○ Board staff comment 8: Nighthawk committed to returning the Colomac area to the state in which it was received and indicated it has responsibility for the structures it has created in the disturbed area. • The Board has Standard Permit Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ MINIMIZE AREA CLEARED ○ USE EXISTING CAMP ○ LOCATION OF ACTIVITIES ○ ENGAGEMENT PLAN • The Board has Standard Licence Conditions that are typically used to mitigate the potential impacts. These standard conditions include: <ul style="list-style-type: none"> ○ WASTE MANAGEMENT PLAN 	<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 or be a cause 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. More detailed consideration of specific potential impacts and associated mitigations are discussed below in subsection 4.1.1. In general, impacts of the changes to the Project on the environment can be mitigated through the use of permit and licence conditions of two general types:

1. conditions in the existing Permit and Licences, 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 Licences, and which may be from the Board's standard conditions list or established by the Board as per the MVLWB [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 proceeding and will be finalized by the Board during the proceeding.

4.1.1 Potential Impact of the Point of Compliance

The Damoti Site is part of the Indin Lake Gold Property and Nighthawk is responsible for its closure and reclamation. In recent years, the SNP has detected pH outside the range outlined in the Licence.^{14,15,16,17,18,19} In the 2021 open water season, Nighthawk was required to treat SNP Station 5-10 to bring the pH into the range outlined in the Licence.^{20,21,22} To address this on-going pH exceedances at the Damoti Site, Nighthawk has proposed that EQC apply to SNP Stations 5-2 and 5-6 at the Damoti Site. This update would continue to require monitoring at other SNP Stations in the SNP but not require treatment if SNP results exceeded Licence EQC.

During the public review, Nighthawk was asked to describe the potential impacts and associated mitigations related to the proposed change in the point of compliance at the Damoti Site (Board staff comment 19). Nighthawk does not believe that the change to the point of compliance would lead to any additional environmental impacts because there have been no physical changes at the Damoti Site since the mid-1990's and there has been no change to the disturbed area. Additionally, Nighthawk noted that

¹⁴ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – SNP Report – June 2020 – Aug 12 20](#)

¹⁵ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – SNP Report – June 2019 – Aug 27 20](#)

¹⁶ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – SNP Report – September 2019 – Aug 27 20](#)

¹⁷ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – SNP Report – September 2020 – Oct 30 20](#)

¹⁸ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – SNP Report – June 2021 – Oct 7 21](#)

¹⁹ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – SNP Report – Sep 2021 – Nov 1 21](#)

²⁰ See WLWB Online Registry for [W2018L2-0003 – Correspondence with Inspector Re SNP Exceedances – Mar 17 21](#)

²¹ See WLWB Online Registry for [W2018L2-0003 – Inspector's Summary of Activities RE SNP Exceedances – Aug 11 21](#)

²² See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Summary of Treatment Results – Dec 2 21](#)

the treatment at SNP 5-10 during the 2021 open water season has caused changes in turbidity, creation of precipitates in the water, and increased GHG emissions. Because Nighthawk would still be required to comply with Licence EQC, the update would not result in any changes at the site, and would potentially limit further impacts associated with treatment it is the Board's opinion that this change will not have a significant adverse impact on the environment or be a cause of public concern. The update to the point of compliance at the Damoti Site can be considered during the remainder of the 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 proceeding thus far, the Board did not identify any comments or issues that indicate that the Project is a cause of public concern thus far.

5.0 Conclusion

The Board has completed multiple preliminary screenings for the Project;^{23,24,25,26,27} however, the Applications include proposed changes to the Project. Accordingly, the Board has determined that Project activities and areas 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 proceeding 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 and will resume the proceeding.

SIGNATURE



Mason Mantla, Chair
Wek'èzhii Land and Water Board

February 9, 2022

Date

²³ See WLWB Online Registry for [W2006C0001 – W2006L2-0001 – MERC – Preliminary Screening – Land Use Permit and Water Licence – Feb 9 06](#)

²⁴ See WLWB Online Registry for [W2012C0002 – Merc – Land Use Permit – Preliminary Screening – Feb 29 12](#)

²⁵ See WLWB Online Registry for [W2012C0002 – Nighthawk – Amendment Application – Preliminary Screening – May 29 14](#)

²⁶ See WLWB Online Registry for [W2018C0007 – Nighthawk – LUP Amendment – PS Determination Notification and RFD – Nov 19 20](#)

²⁷ See WLWB Online Registry for [W2018C0007 – Nighthawk – WL and LUP Amendment – PS Determination Notification and RFD – Apr 22 21](#)