



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

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

April 22, 2021

File: W2018L2-0003 & W2018C0007

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: Nighthawk Gold Corp. – Notice of Preliminary Screening Determination –Request to Amend Type A Land Use Permit, Application to Amend Type B Water Licence, and Update Water Use Plan – Exploration – Damoti Lake and Colomac Mine Site Area, NT

The Wek'èezhìi Land and Water Board (Board) met on April 22, 2021 and considered the Application to amend Water Licence W2018L2-0003 and a Request to amend Land Use Permit W2018C0007 to include newly acquired mineral leases and the updated Water Use Plan including additional Water Sources for exploration at the Indin Lake Gold Property 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 will continue with the regulatory process.

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 that reads "Joseph Mackenzie".

Joseph Mackenzie
Wek'èezhìi Land and Water Board, Chair

BCC to: Nighthawk Distribution List

Attached: Preliminary Screening Reasons for Decision



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

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

Preliminary Screening Determination and Reasons for Decision

File Number	Type B Licence W2018L2-0003 and Type A Permit W2018C0007
Company	Nighthawk Gold Corp.
Project	Indin Lake Gold Property
Location	Indin Lake Gold Property, NT
Activity	Mining and Milling Undertaking; Mining Exploration
Date of Decision	April 22, 2021

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 April 22, 2021 to make a preliminary screening determination on the Amendment Application for Type B Water Licence W2018L2-0003 (Application),^{1,2,3} an Amendment Request for Type A Land Use Permit W2018C0007 (Request),^{4,5} and an updated Water Use Plan Version 4.0⁶ from Nighthawk on March 15, 2021.⁷ The Licence allows for water use in support of mineral exploration on the non-federal portion of the Indin Lake Gold Property. The Permit allows Nighthawk to conduct exploration activities at the Indin Lake Gold Property.

The Board has decided not to refer the proposed changes to the Permit and Licence 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 amendments will not have a significant adverse impact on the environment or be a cause of public concern.

The Board's determinations, including the reasons for its decisions, are detailed in the sections 2 and 3.

¹ See WLWB (www.wlwb.ca) Online Registry for [W2018L2-0003 – Nighthawk – Amendment Application – Cover Letter – Mar 10 21](#)

² See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Amendment Application – Form – Mar 10 21](#)

³ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Amendment Application – Engagement Log – Mar 12 21](#)

⁴ See WLWB Online Registry for [W2018C0007 – Nighthawk – Amendment Request – Cover Letter – Mar 10 21](#)

⁵ See WLWB Online Registry for [W2018C0007 – Nighthawk – Amendment Request – Engagement Log – Mar 12 21](#)

⁶ See WLWB Online Registry for [W2018L2-0003 – Nighthawk 0 Waster Use Plan V4.0 – Mar 10 21](#)

⁷ See WLWB Online Registry for [W2018C0007 – Nighthawk – Land Use Permit – Amendment – Nov 20 20](#)

2.0 Background and Scope of Screening

Nighthawk Gold Corp. (Nighthawk or the Applicant) submitted a complete application to amend Water Licence W2018L2-0003 (Licence), a request to amend Land Use Permit W2018C0007 (Permit), and Version 4.0 of the Water Use Plan on March 15, 2021. The Applicant is requesting to update the Complete Application referenced in Part A, Condition 1a of the Licence and Part C, Condition 7 of the Permit to allow Nighthawk to conduct exploration activities on newly acquired mineral leases (NT-3656, NT-3538, NT-3655, NT-3380). Nighthawk has also submitted Version 4.0 of the Water Use Plan for Board approval to add additional Water Sources as per Part D, Condition 2 of the Licence. Nighthawk did not request an exemption from preliminary screening.

Scope of Screening:

Previous preliminary screenings have been completed for the exploration activities at the Indin Lake Gold Property under the Permit and Licence based on the area encompassed by the mineral leases and claims included in the original applications.^{8,9,10,11,12} The area encompassed by the newly acquired mineral leases, and the newly identified potential Water Sources, have not been previously screened. Therefore, in accordance with subsection 124(1) of the MVRMA, the Board must conduct a preliminary screening of the proposed amendments.

Table 1 below summarizes:

- The potential impacts and proposed mitigations related to exploration activities for the proposed increase in area encompassed by NT-3656, NT-3538, NT-3655, and NT-3380;
- The potential impacts and proposed mitigations related to the inclusion of new Water Sources;
- Information provided in Nighthawk's submission detailing potential impacts and proposed mitigations; and
- The Board's analysis of the potential impacts and proposed mitigations.

Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application, Request, Draft Permit,¹³ Draft Licence,¹⁴ and Water Use Plan for public review on March 15, 2021, inviting reviewers to provide comments and recommendations on the submissions and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS). Comments were due April 6, 2021, with responses from the Applicant due April 13, 2021. The Board received comments and recommendations from the Government of the Northwest Territories – Environment and Natural Resources (GNWT-ENR), GNWT-Lands, GNWT-Inspector, and the Wek'èezhìi Renewable Resources Board (WRRB); Board staff also asked questions. The Tłı̄chq̄ Government responded

⁸ See WLWB Online Registry for [W2018C0007 – Nighthawk – LUP Amendment – PS Determination Notification and RFD – Nov 19 20](#)

⁹ See WLWB Online Registry for [W2012L1-0002 – Nighthawk – Type B Water Licence – Preliminary Screening – Aug 16 12](#)

¹⁰ See WLWB Online Registry for [W2006C0001 – MERC – Preliminary Screening – Land Use Permit and Water Licence – Feb 9 06](#)

¹¹ See WLWB Online Registry for [W2012C0002 – Merc – Land Use Permit – Preliminary Screening – Feb 29 12](#)

¹² See WLWB Online Registry for [W2012C0002 – Nighthawk – Amendment Application – Preliminary Screening – May 29 14](#)

¹³ See WLWB Online Registry for [W2018C0007 – Nighthawk – Draft Land Use Permit – Mar 15 21](#)

¹⁴ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Draft Water Licence \(non-federal\) – Mar 15 21](#)

indicating it had no comments at this time. Reviewer comments and recommendations, as well as Proponent responses are available on the WLWB Online Registry.^{15,16}

Since there were no requests to extend the reviewer comment deadline, 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 Tłıchǵ Government has been consulted in accordance with section 63 of the MVRMA.

3.0 Potential Impacts and Proposed Mitigations

In the submission, Nighthawk describes that the proposed amendments and additional Water Sources are within the Scope of the Permit and Licence but in an area that has not been previously screened. The Permit and Licence currently have conditions designed to mitigate the potential impacts that were identified in previous preliminary screenings for mineral exploration at the Indin Lake Gold Property. Additionally, the Permit and Licence have approved management plans to ensure there are protocols to be followed for engagement,^{17,18} spills,^{19,20} waste management,^{21,22} and water use.²³ The proposed amendments would update references to the Complete Application in the Permit and Licence but would not require any changes to the wording of Permit or Licence conditions. In Section 10 of the Amendment Application Form, Nighthawk described potential impacts and proposed mitigations associated with the amendments. Table 1 below summarizes: the potential impacts and proposed mitigations for the proposed increase in land area and additional Water Sources; and the Board's analysis of the potential impacts and proposed mitigations.

¹⁵ See WLWB Online Registry for [W2018C0007 – Nighthawk – LUP Amendment – Review Summary and Attachments – Apr 9 21](#)

¹⁶ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – WL Amendment – Review Summary and Attachments – Apr 9 21](#)

¹⁷ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Engagement Plan – Version 3.2 – Jul 4 19](#)

¹⁸ See WLWB Online Registry for [W2018C0007 – Engagement Plan – Version 3.2 – Jul 4 19](#)

¹⁹ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Spill Contingency Plan Version 3.1 – Apr 17 19](#)

²⁰ See WLWB Online Registry for [W2018C0007 – Spill Contingency Plan – Version 3.1 – Apr 17 19](#)

²¹ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Waste Management Plan – Version 3.2 – Dec 15 21](#)

²² See WLWB Online Registry for [W2018C0007 – Nighthawk – Waste Management Plan – Version 3.2 – Dec 15 21](#)

²³ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Water Use Plan V3.1 – Jun 30 20](#)

Table 1: Potential Impacts and Proposed Mitigations for the Proposed Indin Lake Gold Project

Potential Impact	Activity	Proposed Mitigations	Board Analysis and Determination
Soil Compaction Compaction of Vegetation	Drilling	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application and Request: <ul style="list-style-type: none"> ○ Drills will be placed on cribs; and ○ Drill will be moved by helicopter when leaving the Colomac footprint. • The existing Permit has conditions which are used to mitigate the potential for soil and vegetation compaction by preventing vehicles from creating ruts in the land and preventing vehicles from moving when the ground is not stable enough (Condition 28: Prevention of Rutting; and Condition 30: Vehicle Movement Freeze-up) • Additionally, the existing Permit requires Nighthawk to prepare the site in a manner to facilitate natural revegetation (Condition 82: Natural Vegetation). 	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.
Water Table Alteration	Drilling	<ul style="list-style-type: none"> • The existing Permit has a condition which is used to mitigate the described impact: <ul style="list-style-type: none"> ○ Condition 26: Flowing Artesian Well requires Nighthawk to plug any borehole with flowing water to prevent further outflow and report the occurrence to the Board and an Inspector immediately. 	Based on the described mitigation 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.
Water flow or level change	Water Use	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application and Request: <ul style="list-style-type: none"> ○ Water withdrawal will be limited to the Water Sources and methods described in the Water Use Plan developed using the Method for Determining Available Winter Water Volumes for Small-scale Projects. • The existing Licence has conditions which are used to mitigate the described impact: <ul style="list-style-type: none"> ○ Part D, Condition 1 limits the amount of water Nighthawk may withdraw to a combined total of 299 m³ per day of Water for the Project, as defined in this Licence and the Project defined in Water Licence W2018L2-0002. ○ The Water Use Plan (Part D, Condition 2) outlines the maximum 	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.

		withdrawal limit for each Water Source to prevent any impacts to the water flow or level in any given Water Source.	
Drainage pattern changes	Drilling and Associated Water Use	<ul style="list-style-type: none"> • The existing Permit has conditions which are used to mitigate the potential for drilling to alter the drainage pattern: <ul style="list-style-type: none"> ○ These conditions require that drilling wastewater be deposited in sumps²⁴ or natural depressions (Permit Condition 39: Drilling Near Water on Ice and Permit Condition 40: Drilling Waste). 	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.
Increased greenhouse gases	Drilling, Transportation	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application and Request: <ul style="list-style-type: none"> ○ The Applicant did not propose any mitigations however, the amendments do not propose an increase in activities, only additional land area in which activities can be conducted therefore the proposed impact does not exceed what has been previously screened. 	Based on no anticipated increase in previously screened potential impact 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.
Direct loss of vegetation	Drilling	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application and Request: <ul style="list-style-type: none"> ○ Vegetation clearing will be required when drilling outside of the Colomac footprint but will be limited to areas where drilling will occur. The area which is cleared for drill pads will be minimized and is typically less than 900 m² or less. • The existing Permit Licence has conditions which are used to limit the potential for loss of vegetation by minimizing the cleared area and using manual methods in sensitive areas: <ul style="list-style-type: none"> ○ Condition 76: Minimize Area Cleared and Condition 77: Clearing Sensitive Area 	Drilling activities will require some removal of vegetation; however, based on the described mitigations aimed at minimizing the amount of area cleared and the 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.
Loss of Species at Risk or may-be-at-risk plants	Drilling	<ul style="list-style-type: none"> • The Applicant notes that according to the NWT Species at Risk website, there are no species at risk plants in the region. Therefore, no mitigation would be necessary for this potential impact. 	Based on the indication that there are no plant species at risk plants in the region and the 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.

²⁴ The Permit, [W2018C0007](#), defines 'sump' as a man-made pit or natural depression in the earth's surface used for the purpose of depositing Waste that does not contain Toxic Material, such as non-toxic Drilling Waste or Sewage, therein.

Introduction of non-native (invasive) species	Drilling	<ul style="list-style-type: none"> The Applicant proposed the following mitigations in the Application and Request: <ul style="list-style-type: none"> New equipment brought to site will be washed before entering the NWT. 	Based on the described mitigation 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.
Increased risk of fire	Drilling	<ul style="list-style-type: none"> The existing Permit has conditions which are used to mitigate the described impact: <ul style="list-style-type: none"> Condition 14: Fire-Fighting Equipment. 	Based on the existing Permit condition 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.
Direct loss or removal of habitat, dens, or nests	Drilling	<ul style="list-style-type: none"> The Applicant proposed the following mitigations in the Application and Request: <ul style="list-style-type: none"> Nighthawk will follow procedures outlined in the Wildlife Mitigation and Monitoring Program (WMMP).²⁵ The existing Permit has a condition which is used to mitigate the potential for habitat damage (i.e., Condition 47: Habitat Damage). <ul style="list-style-type: none"> Condition 47: Habitat Damage In addition, conditions related to minimizing the area cleared and using manual techniques to clear vegetation in sensitive areas will also limit impacts to potential habitat: <ul style="list-style-type: none"> Condition 76: Minimize Area Cleared; and Condition 77: Clearing Sensitive Area. 	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.
Loss or removal of keystone species and/or Species at Risk habitat			
Direct injury or mortality (wildlife)			
Disturbances to key lifecycles stages: breeding, feeding, nesting, staging			
Effects on population abundance			
Human wildlife conflicts			
Effects on health (toxins, metals,	Water use in support of	<ul style="list-style-type: none"> The Applicant proposed the following mitigations in the Application and Request: 	Based on the described mitigations and lack of concern raised by Parties, it is the Board's opinion that the

²⁵ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Wildlife Mitigation and Monitoring Plan – Version 3.1 – Feb 28 19](#)

sediment, etc.)	Drilling	<ul style="list-style-type: none"> ○ Waste will not be deposited into waterbodies; ● The existing Permit has conditions which are used to ensure any drilling waste does not enter the receiving environment: <ul style="list-style-type: none"> ○ Condition 23: Sumps from Water; Condition 39: Drilling Near Water or on Ice; and Condition 40: Drilling Waste, collectively require Sumps to be at a safe distance from the Ordinary High Water Mark and to not contain Toxic Material; ○ Condition 41: Drilling Waste Disposal, requires Nighthawk to remove all Drilling Waste that contains toxic material to an approved disposal facility; and ○ Condition 42: Drilling Waste Containment, requires Nighthawk to prevent drilling waste from spreading on land or in Watercourses; ● The existing Licence has conditions which are used to mitigate the described impact: <ul style="list-style-type: none"> ○ Part G, Condition 1: The Licensee shall dispose of all sewage and grey water as described in the approved Waste Management Plan.²⁶ 	proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.
Effects on population abundance (aquatic habitat)	Water use in support of Drilling	<ul style="list-style-type: none"> ● The Applicant proposed the following mitigations in the Application and Request: <ul style="list-style-type: none"> ○ Aquatic habitat will be protected by following the Water Use Plan, developed using the Method for Determining Available Winter Water Volumes for Small-scale Projects.²⁷ ● The existing Permit has a condition which is used to mitigate the described impact: <ul style="list-style-type: none"> ○ Condition 47: Habitat Damage is protective of wildlife and fish habitat ● The existing Licence has a condition which is used to mitigate the described impact: <ul style="list-style-type: none"> ○ Part D, Condition 6: The Licensee shall construct and maintain the water intake(s) with a fish screen designed to prevent impingement and/or entrainment of fish. 	Based on the described mitigations and lack of concerns 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.

²⁶ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Waste Management Plan – Version 3.2 – Dec 15 20](#)

²⁷ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Water Use Plan – V3.1 – Jun 30 20](#)

Loss or reduction in game species populations	Drilling	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application and Request: <ul style="list-style-type: none"> ○ Nighthawk will adhere to its WMMP. 	Based on the described mitigation 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.
Effects on traditional land use, subsistence, and harvesting rights	Drilling	<ul style="list-style-type: none"> • In its Application, Nighthawk noted that "No traditional land use has been observed during exploration activities." • The Applicant proposed the following mitigations in the Application and Request: <ul style="list-style-type: none"> ○ Engagement with Tłı̨chǫ and Métis users of the region to communicate when exploration activities start and end; and ○ Accommodate any conflicting land use identified by traditional users. ○ The existing Permit requires that Nighthawk comply with its Engagement Plan (i.e., Condition 88).²⁸ • The existing Permit also has conditions which are used to ensure all efforts are made to minimize impacts to the land, prevent unnecessary impacts, and ensure the site undergoes appropriate reclamation for future use. These include: <ul style="list-style-type: none"> ○ Condition 47: Habitat Damage; ○ Condition 59: Responsibility for Remediation Costs ○ Condition 76: Minimize Area Cleared; ○ Condition 77: Clearing Sensitive Area; ○ Condition 23: Sumps from Water; Condition 39: Drilling Near Water or on Ice; and Condition 40: Drilling Waste, collectively require Sumps to be at a safe distance from the Ordinary High Water Mark and to not contain Toxic Material; ○ Condition 41: Drilling Waste Disposal, requires Nighthawk to remove all Drilling Waste that contains toxic material to an approved disposal facility; and ○ Condition 42: Drilling Waste Containment, requires Nighthawk to prevent drilling waste from spreading on land or in Watercourses. • The existing Licence has conditions which are used to mitigate the 	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.
Change to or loss of traditional lifestyle			
Impairment of the aesthetic quality of the land or water			
Changes to the use of the area by other non-Indigenous people (e.g., trappers, outfitters, residents, hunters, forest harvesters, other authorized projects)			

²⁸ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Engagement Plan – Version 3.2 – Jul 4 19](#)

		<p>described impact:</p> <ul style="list-style-type: none"> ○ Part G, Condition 1: The Licensee shall dispose of all sewage and grey water as described in the approved Waste Management Plan.²⁹ 	
Change to or loss of heritage resource	Drilling	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application and Request: <ul style="list-style-type: none"> ○ All exploration is screened by the GNWT Protected Areas Program; and ○ Archaeological surveys are conducted in drilling areas; ○ NWT Archaeological Sites Act protects heritage resources. • The existing Permit has conditions which are used to ensure all efforts are made to identify and prevent destruction of heritage resources. These include: <ul style="list-style-type: none"> ○ Condition 52: Archaeological Buffer; ○ Condition 53: Site Disturbance; ○ Condition 54: Site Discovery and Notification; ○ Condition 55: Archaeological Overview; and ○ Condition 56: AIA – High Potential. 	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.
Economic opportunities or losses (employment, training)	Activities	<ul style="list-style-type: none"> • The Applicant proposed the following mitigations in the Application and Request: <ul style="list-style-type: none"> ○ Nighthawk intends to improve economic opportunities through local employment and contracting. ○ The existing Permit also requires that Nighthawk comply with its Engagement Plan (i.e., Condition 88). 	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.

²⁹ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – Waste Management Plan – Version 3.2 – Dec 15 20](#)

3.1 Consideration of Potential Impacts

In the Water Use Plan Version 4.0, Nighthawk had included Water Sources that were entirely located on lands Nighthawk does not have a mineral lease or claim for (VL2, VL5, VL5, and VL21). Nighthawk was asked if it was requesting that the screening include the lease in which these Water Sources reside (i.e., NT-3462) and to describe any potential activities in this area and associated impacts. Nighthawk responded that these Water Sources were included for transparency with other potential water users but is not requesting preliminary screening for the area or water sources encompassed by Mineral Lease NT-3462. Therefore, the Board has not considered this area or these water sources in this screening.

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the addition of the mineral leases to the land use operation and the additional Water Sources might have a significant adverse impact on the environment. Based on the information provided by Nighthawk's Request, Application, and Water Use Plan; the public review; the current requirements of the Permit and Licence; and the mitigation measures in place at the Indin Lake Gold, the Board is of the opinion that the proposed activities will not have a significant adverse impact on the environment.

3.2 Consideration of Public Concern

In addition to considering the potential impacts, the Board considered whether the changes might be a cause of public concern.

Based on the evidence provided during the regulatory proceeding, the lack of concern raised by Parties, and the absence of comments indicating that this Request should be referred to the Review Board, the Board did not identify any comments or issues that indicate that the Project is a cause of public concern.

4.0 Conclusion

The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed additional leases and Water Sources. Based on the evidence, 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, as set out in paragraph 125(1)(a) of the MVRMA. The Board has therefore decided not to refer the proposed amendments to the Licence and Permit to Environmental Assessment. If the Board does not receive a notice of referral to environmental assessment by May 2, 2021, the Board will issue the Permit and Licence on May 3, 2021.



Joe Mackenzie
Chair, Wek'èezhii Land and Water Board

April 22, 2021