

**Conditions Annexed to and Forming Part of Land Use Permit # W2021C0009**

**Commented [WLWB1]:** Board staff have reviewed the recently amended Permit W2018C0007 (February 24, 2022) to incorporate any relevant changes

**Part A: Scope of Permit**

1. This Permit entitles the Permittee to conduct the following land-use operation:

- a) advanced mineral exploration, including diamond drilling,
- b) operation of the Colomac Camp and establishment and operation of Satellite Camps;
- c) care and maintenance and closure and reclamation of the Damoti site, including management of waste rock, ore, and the underground portal, and associated seepage or discharge of water;
- d) use and storage of explosives for trenching and bulk sampling;
- e) construction, operation, and maintenance of winter roads and spur roads;
- f) use and storage of fuel;
- g) use of vehicles and equipment; and
- h) closure and reclamation.

**Commented [WLWB2]:** Scope revised to match combined of federal and non-federal activities

- ~~— advanced mineral exploration, including diamond drilling, use of water and deposit of waste for a camp, use of satellite camps, occupied by more than 50 persons and use of water for drilling;~~
- ~~— maintenance, reclamation, and closure, including management of waste rock, ore, and the underground portal, and associated seepage or discharge of water;~~
- ~~— use and storage of explosives for trenching and bulk sampling, closure and reclamation, if required;~~
- ~~— construction, operation, and maintenance of winter roads and spur roads; and~~
- ~~— use and storage of fuel; and,~~
- ~~— use of vehicles and equipment.~~
- a) ~~Mineral Exploration including diamond drilling;~~
- b) ~~Construction, maintenance, and use of winter road and access roads;~~
- c) ~~Use and storage of fuel;~~
- d) ~~Use and storage of explosives;~~
- e) ~~Operation of a camp(s); and~~
- f) ~~Use of vehicles and equipment.~~

2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, Tłchq, or Municipal laws.

**Part B: Definitions** (defined terms are capitalized throughout the Permit)

**Act** - the *Mackenzie Valley Resource Management Act*.

**Archaeological Impact Assessment** - archaeological research as defined by the Prince of Wales Northern Heritage Centre *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

**Archaeological Overview** - a study of archaeological sites as defined by the Prince of Wales Northern Heritage Centre *Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories*.

**Board** - the Wek'èezhii Land and Water Board established under Part 3 of the Act.

**Borehole** - a hole that is made in the surface of the ground by drilling or boring.

**Dogleg** - the clearing of a line, trail, or right-of-way that is curved sufficiently so that no part of the clearing beyond the curve is visible when approached from either direction.

**Drilling Fluid** - any liquid mixture of water, sediment, drilling muds, chemical additives or other wastes that are pumped down hole while drilling and are specifically related to drilling activity.

**Drilling Waste** - all materials or chemicals, solid or liquid, associated with drilling, including drill cuttings and Drilling Fluids.

**Durable Land** - land that is able to withstand repeated use, such as gravel or sand with minimal vegetative cover.

**Engagement Plan** - a document, developed in accordance with the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

**Flowing Artesian Well** - a well in which water:

- a) Naturally rises above the ground surface or the top of any casing; and
- b) Flows naturally, either intermittently or continuously.

**Fuel Storage Container** - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 litres.

**Fuel Storage Tank** - a closed container for the storage of petroleum or allied petroleum products with a capacity of more than 230 litres.

**Greywater** - all liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities but not including toilet wastes.

**Habitat** - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

**Inspector** - an Inspector designated by the Minister under the Act.

**Minister** - the Minister of Crown-Indigenous Relations and Northern Affairs Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

**Ordinary High-Water Mark** - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “active channel/bank-full level” which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

**Permittee** - the holder of this permit.

**Permafrost** - ground (soil or rock) that remains at or below 0°C for at least two consecutive years.

**Satellite Camp** – a small temporary facility for the purpose of supporting exploration activities outside the primary exploration camp.

Commented [WLWB3]: Added to reflect response to Undertaking #2.

**Secondary Containment** - containment that prevents liquids that leak from Fuel Storage Tanks or containers from reaching outside the containment area and includes double-walled Tanks, piping, liners, and impermeable barriers.

**Sewage** - all toilet wastes and Greywater.

~~**Shut Down Period** – The period of time between January 31 and November 1 each year, for the purpose of this operation.~~

**Spill Contingency Plan** - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada’s *Guidelines for Spill Contingency Planning* that describes the set of procedures to be implemented to minimize the effects of a spill.

**Spring Break-up** – April 15 each year, for the purpose of this operation.

**Sump** - a human-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.

**Toxic Material** - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or

c) Constitutes or may constitute a danger in Canada to human life or health.

**Waste** - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act.

**Waste Management Plan** - a document, developed in accordance with the Board's Guidelines for Developing a Waste Management Plan, that describes the methods of Waste management from Waste generation to final disposal.

**Watercourse** - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, springs, swamps and gulches but does not include groundwater.

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**Part C: Conditions Applying to All Activities** (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

**26(1)(a) Location and Area**

1. The Permittee shall operate in accordance with the requirements of the Colomac Site Restrictions annexed to ~~this permit~~ the Permit, and any revisions to the Colomac Site Restrictions as and when approved by the Board.

**COLOMAC SITE RESTRICTIONS**

**Commented [WLWB4]:** It is anticipated that changes to this Annex would require a Permit amendment. Therefore this text is proposed to be removed.

2. The Permittee shall only conduct this land-use operation on lands designated in the application.

**LOCATION OF ACTIVITIES**

3. The Permittee shall not conduct any part of the land-use operation within ~~300 metres~~ of any privately owned or leased land or structures, including cabins used for traditional activities, unless otherwise approved by the Board.

**PRIVATE PROPERTY SETBACK**

**Commented [WLWB5]:** This reflects the requirement of the Permit W2012C0002

4. The Permittee shall locate all camps on Durable Land or previously cleared areas, and a minimum of 100 metres from the Ordinary High-Water Mark.

**CAMP SETBACK**

5. The Permittee shall use an existing campsite, where possible, as described in the complete application.

**USE EXISTING CAMP**

**Commented [WLWB6]:** This would apply to the Colomac Camp

6. At least XX days prior to the establishment of a Satellite Camp, the Permittee shall provide the following information, in writing, to the Board and an Inspector:

**SATELLITE CAMP - NOTIFICATION**

**Commented [WLWB7]:** Board staff are seeking input on this timeline.

**Commented [WLWB9]:** Board staff have proposed Conditions 6 and 7 to address the current unknown location of Satellite Camps

- a) the location of the Satellite Camp;
- b) confirmation that no changes are required to applicable management plans; and
- c) confirmation that requirements of ~~Conditions 63 and 64~~ if needed, have been satisfied.

**Commented [WLWB8]:** Conditions below require Archeological Overview Assessment and Archeological Impact Assessment

7. Prior to establishment of a Satellite Camp, the Permittee shall receive written authorization from the Inspector.

**SATELLITE CAMPS**

~~6.~~ Prior to the commencement of drilling, the Permittee shall submit the target areas and final drill hole locations on a 1:50,000-scale map with coordinates and map datum to the Board and an Inspector.

**DRILL LOCATIONS**

~~7.~~ The Permittee shall not conduct a drilling operation or construct an adit or drill site within 100 metres of the

**DRILLING/ ADIT SETBACK**

Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.

- 8. The Permittee shall not locate any Sump within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.

**SUMP SETBACK**

- ~~9. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High-Water Mark, except at crossings.~~

~~PARALLEL WATERCOURSE SETBACK~~

Commented [WLWB10]: Nighthawk agreed to removal in response to ORS comments

- ~~14~~ The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.

**PARALLEL ROADS**

- ~~14~~ The Permittee shall confine the width of the right-of-way to a maximum of 10 metres, unless otherwise authorized in writing by a Land Use Inspector.

**WIDTH RIGHT-OF-WAY**

**26(1)(b) Time**

- ~~12~~ At least 48 hours prior to the initial commencement of the land-use operation, the Permittee's Field Supervisor shall notify the Board and contact a GNWT Inspector at (867) 767-9188 and a CIRNAC Inspector at (867) 669-2442 or (867) 669-2468.

**INITIAL NOTIFICATION – CONTACT INSPECTOR**

- ~~12~~ At least 48 hours prior to returning to the worksite following a seasonal Shut Down Period, the Permittee's Field Supervisor shall notify the Board and contact a GNWT Inspector at (867) 767-9188 and a CIRNAC Inspector at (867) 669-2442 or (867) 669-2468.

~~SEASONAL NOTIFICATION – CONTACT INSPECTOR~~

Commented [WLWB11]: Nighthawk agreed to removing this condition in response to ORS comments.

- ~~14~~ At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector:

**IDENTIFY AGENT**

- ~~a)d)~~ the name(s) of the person(s) in charge of the field operation;
- ~~b)e)~~ alternates; and
- ~~c)f)~~ all methods for contacting the above person(s).

- ~~15~~ At least ten days prior to ~~the Shut Down Period~~ Spring Break-up, the Permittee shall advise an Inspector of:

**REPORTS BEFORE SEASONAL SPRING BREAK – UP REMOVAL**

Commented [WLWB12]: Nighthawk proposed change in IR#18 to address ORS comments

- a) the plan for removal or storage of equipment and materials; and

- b) when cleanup and Progressive Reclamation of the land used will be completed.

~~16~~ At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:

- a) the plan for removal or storage of equipment and materials;
- b) when final cleanup and reclamation of the land used will be completed; and
- c) when the Final Plan will be submitted.

**REPORTS BEFORE FINAL REMOVAL**

~~17~~ The Permittee shall not conduct any activity associated with the land-use operation during the Shut-Down Period.

**SEASONAL SHUT-DOWN**

**26(1)(c) Type and Size of Equipment**

~~18~~ The Permittee shall only use equipment of a similar type, size, and number to that listed in the complete application.

**USE APPROVED EQUIPMENT**

~~19~~ The Permittee shall maintain fire-fighting equipment at the site.

**FIRE-FIGHTING EQUIPMENT**

**26(1)(d) Methods and Techniques**

~~20~~ The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.

**DOGLEG APPROACHES**

~~21~~ As the land-use operation progresses, the Permittee shall refill and restore craters caused by explosives.

**REFILL CRATERS**

**Commented [WLWB13]:** In response to IR18, Nighthawk said this condition may be required to address use of explosives.

~~22~~ Immediately upon completion of operations at each Borehole, the Permittee shall remove or cut off and seal each drill casing at ground level.

**MINERAL EXPLORATION DRILL CASINGS**

~~23~~ The Permittee shall remove all wire from the land as the land-use operation progresses.

**REMOVE WIRE**

**Commented [WLWB14]:** In response to IR18, Nighthawk said this condition may be required to address use of explosives.

~~24~~ The Permittee shall construct and maintain the overland portion of winter roads with a minimum of 10 cm of packed snow and/or ice at all times during this land-use operation.

**WINTER ROADS**

~~25~~ The Permittee shall not erect camps or store material, other than that required for immediate use, on the ice surface of a Watercourse.

STORAGE ON ICE

~~26~~ Prior to the expiry end of the land-use operation, the Permittee shall replace all excavated material, unless otherwise authorized in writing by an Inspector.

EXCAVATED MATERIAL  
TEST PITS

~~27~~ The Permittee shall leave a buffer strip of undisturbed vegetation at least 30 metres in width between cleared areas and public roads

FREE SCREEN

Commented [WLWB15]: Nighthawk proposed removal as no public roads. Board staff note that is in current Permit W2018C0007.

**26(1)(e) Type, Location, Capacity, and Operation of All Facilities**

~~28~~ The Permittee shall ensure that the land use area is kept clean at all times.

CLEAN WORK AREA

**26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land**

~~29~~ The land-use operation shall not cause obstruction to any natural drainage.

NATURAL DRAINAGE

~~30~~ The Permittee shall install and maintain suitable erosion control structures as the land-use operation progresses.

PROGRESSIVE EROSION  
CONTROL

~~31~~ The Permittee shall apply appropriate mitigation at the first sign of erosion.

REPAIR  
EROSION

~~32~~ The Permittee shall, where flowing water from a Borehole is encountered:

FLOWING ARTESIAN WELL

- a) plug the Borehole in such a manner as to permanently prevent any further outflow of water; and
- b) immediately report the occurrence to the Board and an Inspector.

~~33~~ The Permittee shall only conduct off-road vehicle travel on snow-covered surfaces.

OFF-ROAD VEHICLE TRAVEL

~~34~~ The Permittee shall prepare the site in such a manner as to prevent rutting or gouging of the ground surface.

PREVENTION OF RUTTING

~~35~~ The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting or gouging.

SUSPEND OVERLAND TRAVEL



- |  |   |
|--|---|
| <p>3€ The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.</p>   | <p><b>VEHICLE MOVEMENT FREEZE-UP</b></p>          |
| <p>37 The Permittee shall only use clean water and snow in the construction of ice bridges and snow fills.</p>   | <p><b>CONSTRUCT<br/>ICE BRIDGES SNOWFILLS</b></p> |
| <p>38 Prior to Spring Break-up or completion of the land-use operation, the Permittee shall clean up and either remove or v-notch all ice bridges and snowfills from stream crossings, unless otherwise authorized in writing by an Inspector.</p>   | <p><b>REMOVE<br/>ICE BRIDGES/ SNOWFILLS</b></p>   |
| <p>39 The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.</p>   | <p><b>STREAM BANKS</b></p>                        |
| <p>4€ The Permittee shall minimize approach grades on all Watercourse crossings.</p>   | <p><b>MINIMIZE APPROACH</b></p>                   |
| <p>41 The Permittee shall use temporary bridges or dry fording when crossing streams.</p>  | <p><b>DRY FORDING</b></p>                         |
| <p>42 The Permittee shall slope the sides of Waste material piles, excavations, and embankments — except in solid rock — to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector.</p>   | <p><b>EXCAVATION AND<br/>EMBANKMENTS</b></p>      |
| <p>43 The Permittee shall not excavate land within 100 metres of the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.</p>  | <p><b>EXCAVATION SETBACK</b></p>                  |
| <p><b>26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material</b></p>   |   |
| <p>44 At least seven days prior to the use of any chemicals that were not identified in the complete application, the Safety Data Sheets must be provided to the Board and an Inspector.</p>   | <p><b>CHEMICALS</b></p>                           |
| <p>45 When drilling within 100 metres of the Ordinary High-Water Mark of any Watercourse, and when drilling on ice, the Permittee shall contain all drill water and Drilling Waste in a closed circuit system for reuse, off-site disposal, or deposit into a land-based Sump or natural depression.</p> | <p><b>DRILLING NEAR WATER OR ON<br/>ICE</b></p>   |

4€ The Permittee may deposit Drilling Waste that does not contain Toxic Material in a Sump. Any Sumps or natural depressions used to deposit Drilling Waste must be located at least 100 metres from the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.

**DRILLING WASTE**

47 The Permittee shall remove all Drilling Waste containing Toxic Material to an approved disposal facility.

**DRILLING WASTE DISPOSAL**

48 The Permittee shall not allow any Drilling Waste to spread to the surrounding lands or Watercourses.

**DRILLING WASTE CONTAINMENT**

49 Prior to the expiry date of this Permit or the end of the land-use operation, whichever comes first, the Permittee shall backfill and restore all Sumps, unless otherwise authorized in writing by an Inspector.

**RECLAIM  
NON-OIL AND GAS SUMPS**

5€ The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.

**WASTE CHEMICAL DISPOSAL**

51 The Permittee shall dispose of all Waste petroleum products by removal to an approved disposal facility or by incineration in a device designed for this purpose, as described in the approved Waste Management Plan.

**WASTE PETROLEUM DISPOSAL**

52 The Permittee shall provide written notification to the Board and Inspector a minimum of 10 days prior to the initial deposit of Waste, demonstrating that the licenced disposal facility has agreed to accept the Waste and has the capacity to receive the volumes of Waste requested.

**NOTIFICATION OF SOLID WASTE DISPOSAL**

**26(1)(h) Wildlife and Fish Habitat**

53 The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.

**HABITAT DAMAGE**

**26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage**

54 The Permittee shall dispose of all Waste as described in the **Waste Management Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.

**WASTE MANAGEMENT**

~~5~~ The Permittee shall keep all garbage and debris in a secure container until disposal.

**GARBAGE CONTAINER**

~~5~~ The Permittee shall dispose of all garbage, Waste, and debris as described in the approved Waste Management Plan, unless otherwise authorized in writing by an Inspector.

~~REMOVE GARBAGE~~

Commented [WLWB16]: Similar to the recent W2018C0007 Amendment, proposed removal of Condition it is addressed in condition Waste Management (above)

~~5~~ The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.

**SEWAGE DISPOSAL - PLAN**

**26(1)(j) Protection of Historical, Archaeological, and Burial Sites**

~~5~~ The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.

**ARCHAEOLOGICAL BUFFER**

~~5~~ The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.

**SITE DISTURBANCE**

~~6~~ The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered:

**SITE DISCOVERY AND NOTIFICATION**

- a) immediately suspend operations on the site; and
- b) notify the Board at (867) 765-4592, a GNWT Inspector at (867) 767 9188 or a federal Inspector at (867) 669-2442 or (867) 669-2468, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71250 or ext. 71251 [and the Tjicho Government, Manager of Research Operations \(867\)-392-6381.](#)

~~6~~ At least ~~30~~ days prior to any new land disturbance, including new drill sites, the Permittee shall conduct an Archaeological Overview to identify areas of high and low potential for archaeological and burial sites and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.

**ARCHAEOLOGICAL OVERVIEW**

~~6~~ Prior to disturbance in areas of high potential for archaeological or burial sites identified in the Archaeological Overview, the Permittee shall conduct an Archaeological Impact Assessment of the sites where disturbance is planned and shall submit a summary report to the Board and the Prince of Wales Northern Heritage Centre.

**AIA – HIGH POTENTIAL**

**26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value**

*Intentionally left blank.*

**26(1)(l) Security Deposit**

~~62~~ Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$ \_\_\_\_\_.

**SECURITY DEPOSIT - FEDERAL**

**Commented [WLWB17]:** Security amount will be determined by the Board.

~~64~~ Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$ \_\_\_\_\_.

**SECURITY DEPOSIT – NON-FEDERAL**

**Commented [WLWB18]:** Security amount will be determined by the Board.

~~65~~ All costs to remediate the area under this Permit are the responsibility of the Permittee.

**RESPONSIBILITY FOR REMEDIATION COSTS**

**26(1)(m) Fuel Storage**

~~66~~ The Permittee shall:

**REPAIR LEAKS**

- a) examine all Fuel Storage Containers and Tank for leaks on a daily basis; and
- b) repair all leaks immediately.

**Commented [WLWB19]:** Board staff are seeking input as unclear whether this is feasible given expected site presence.

~~67~~ The Permittee shall place Fuel Storage Containers and or Tanks a minimum of 100 metres from the Ordinary High-Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.

**FUEL STORAGE SETBACK**

~~68~~ The Permittee shall ensure that all fuel caches have adequate Secondary Containment.

**FUEL CACHE SECONDARY CONTAINMENT**

~~69~~ The Permittee shall set up all refueling points with Secondary Containment.

**SECONDARY CONTAINMENT - REFUELING**

~~70~~ The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.

**FUEL CONTAINMENT**

~~71~~ The Permittee shall locate mobile fuel facilities on land when the facilities are stationary for more than 12 hours.

**FUEL ON LAND**

~~72~~ The Permittee shall mark all Fuel Storage Containers and Tanks with the Permittee's name.

**MARK CONTAINERS AND TANKS**

~~73~~ The Permittee shall mark all stationary fuel caches and fuel storage facilities with flags, posts, or similar devices

**MARK FUEL LOCATION**

so that they are at all times plainly visible to local vehicle travel.

- |  |                                      |
|--|--------------------------------------|
| <p>74 The Permittee shall have a maximum of 1,255,830 litres of fuel stored on the land use site at any time, unless otherwise approved by the Board.</p>  | <p><b>MAXIMUM FUEL ON SITE</b></p>   |
| <p>75 Within ten days of the establishment of any fuel cache, the Permittee shall report the location and quantity of the cache in writing to the Board and an Inspector.</p>  | <p><b>REPORT FUEL LOCATION</b></p>   |
| <p>76 The Permittee shall seal all outlets of Fuel Storage Containers and store the containers on their sides with the outlets located at 3 and 9 o'clock, except for containers currently in use.</p>   | <p><b>SEAL OUTLET</b></p>            |
| <p>77 The Permittee shall comply with the <b>Spill Contingency Plan</b>, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.</p>  | <p><b>SPILL CONTINGENCY PLAN</b></p> |
| <p>78 Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.</p>   | <p><b>SPILL RESPONSE</b></p>         |
| <p>79 All equipment that may be parked for two hours or more, shall have a haz-mat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately.</p>  | <p><b>DRIP TRAYS</b></p>             |
| <p>80 The Permittee shall clean up all leaks, spills, and contaminated material immediately</p>  | <p><b>CLEAN UP SPILLS</b></p>        |
| <p>81 During the period of this Permit, if a spill occurs or is foreseeable, the Permittee shall:</p> <ul style="list-style-type: none"><li>a) implement the approved Spill Contingency Plan;</li><li>b) report it-immediately using the NU-NT Spill Report Form by one of the following methods:<ul style="list-style-type: none"><li>• Telephone: (867) 920-8130</li><li>• Fax: (867) 873-6924</li><li>• E-mail: <a href="mailto:spills@gov.nt.ca">spills@gov.nt.ca</a></li><li>• <a href="#">Online: Spill Reporting and Tracking Database</a></li></ul></li><li>c) within 24 hours, notify the Board and an Inspector; and</li><li>d) within 30 days of initially reporting the incident, submit a detailed report to the Board and an</li></ul> | <p><b>REPORT SPILLS</b></p>          |

Inspector, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.

**26(1)(n) Methods and Techniques for Debris and Brush Disposal**

- ⊗ The Permittee shall progressively dispose of all brush and trees; all disposal shall be completed prior to the end of this land use operation

**BRUSH DISPOSAL/ TIME**
- ⊗ The Permittee shall not clear areas larger than identified in the complete application.

**MINIMIZE AREA CLEARED**
- ⊗ The Permittee shall clear by hand all trees and brush a minimum distance of 10 metres from the top edge of all stream banks and top edge of slopes.

**CLEARING SENSITIVE AREA**

**26(1)(o) Restoration of the Lands**

- ⊗ All outstanding liabilities and obligations of the Permittee in relation to work performed or required to be performed under Land Use Permit W2018C0007 are fully incorporated into and subsumed under this Permit, and the Permittee must therefore complete the restoration and other obligations set out in or incurred under Permit W2018C0007, as well as such further obligations as may be set out in or incurred under this Permit.

**TRANSFER OF LIABILITIES**
- ⊗ All areas affected by construction or removal activities shall be stabilized and landscaped to their pre-construction profiles, unless otherwise authorized in writing by an Inspector.

**PRE-CONSTRUCTION PROFILES**
- ⊗ The Permittee shall dispose of all overburden as approved by the Board, or as otherwise authorized in writing by an Inspector.

**DISPOSAL OF OVERBURDEN**
- ⊗ The Permittee shall save the organic soil stripped from the land use area and shall use the organic soil for reclamation as approved by the Board, or otherwise authorized in writing by an Inspector.

**SAVE AND PLACE ORGANIC SOIL**
- ⊗ Prior to the end of the land-use operation, the Permittee shall complete all cleanup and restoration of the lands used.

**FINAL CLEANUP AND RESTORATION**

9C Prior to the end of the land-use operation, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.

**NATURAL VEGETATION**

9D The Permittee shall carry out Progressive Reclamation of disturbed areas as soon as it is practical to do so.

**PROGRESSIVE RECLAMATION**

9E Prior to the end of the land-use operation, the Permittee shall restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails.

**TRAILS RESTORATION**

**26(1)(p) Display of Permits and Permit Numbers**

9F The Permittee shall display a copy of this Permit in each campsite established to carry out this land-use operation.

**DISPLAY PERMIT**

9G The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.

**COPY OF PERMIT**

**26(1)(q) Biological and Physical Protection of the Land**

9H If nesting areas are encountered during the course of operations, the Permittee shall minimize all activity so as to not disturb them.

**MIGRATORY BIRD  
NEST DISTURBANCE**

9I The Permittee shall submit a revised Wildlife Mitigation and Monitoring Plan.

**WILDLIFE MITIGATION AND  
MONITORING PLAN**

9J Prior to the commencement of the land-use operation, the Permittee shall submit a revised [redacted] Plan (e.g. Waste Management or Spill Contingency or Engagement Plan) in accordance with [redacted] Guidelines (e.g. MVLWB's "Guidelines for Developing a Waste Management Plan" or Aboriginal Affairs and Northern Development Canada's "Guidelines for Spill Contingency Planning" or MVLWB's "Engagement Guidelines for Applicants and Holders of Waste Licences and Land Use Permits") to the Board for approval.

**SUBMIT REVISED PLAN**

9K If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval.

**RESUBMIT PLAN**

9L The Permittee shall comply with the **Engagement Plan**, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in

**ENGAGEMENT PLAN**

**Commented [WLWB20]:** Nighthawk submitted Wildlife Mitigation and Monitoring Plan (Version 4.0) with its Application. This document has been updated to reflect changes to the Project and updates to the species at risk status.

In response to ECCC comment 6 and TG comment 4, Nighthawk committed to update the Plan.

**Commented [WLWB21]:** This condition will be updated to reflect required Plan submissions.

operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.

95 All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.

**SUMMARY OF CHANGES**

DRAFT



## COLOMAC SITE RESTRICTIONS

PERMITTEE: Nighthawk Gold Corp.

PERMIT NUMBER: W2018C0007

### EFFECTIVE DATE OF COLOMAC SITE RESTRICTIONS:

Part C, Condition 1 of Land Use Permit W2018C0007 states that "The Permittee shall operate in accordance with the requirements of the Colomac Site Restrictions annexed to this permit, and any revisions to the Colomac Site Restrictions as and when approved by the Board." The specific site restrictions are as follows:

Commented [WLWB22]: Site Restrictions were updated in response to IR #18

- i. To ensure the health and safety of its workers, the Permittee shall not access the Tailings Containment Facility, Tailings Containment Area access road, Open Pit Area, or Main Mine Complex areas for any purpose. Access to the airstrip access road shall be permitted.
- ii. The Permittee shall not establish any camps or store equipment, fuel, or other supplies in the aforementioned areas.
- iii. The Permittee shall not drill, trench, excavate any sump, or otherwise alter or disturb the engineered tailings cap within the Tailings Containment Area, Dam 1/Dam 1 B structures, Dyke 7 and spillway, Dam 2 discharge channel, Spruce Lake Disposal Cell, landfill cap in Zone 2.5 Pit, Primary Crusher cap, Steeves Lake Shoreline remediation area, ~~or~~ Hydrocarbon Soil Remediation area or east wall of Zone II Pit.
- iv. The Permittee shall not establish any camps or store equipment, fuel, or other supplies within 30 m of the south bank of the Truck Lake Channel or within 30 m of the south shore of Truck Lake.
- v. The Permittee shall not store bulk fuel north of the decommissioned Explosives Magazine area along the airstrip access road.
- vi. The Permittee shall not ford or cross the Truck Lake Channel with heavy equipment. Forging or crossing of the channel with ATVS can proceed during water-free conditions.
- vii. The Permittee shall not adversely alter the water quality within the Spanner Lake and Paddle Lake - Midgefly Lake - Lake 315 watersheds or within the drainage pathway between Tailings Lake and Indin River.
- viii. If drilling within the watershed divides, the Permittee shall contain all drill waste in a closed circuit system for reuse, off-site disposal, or deposit into a land-based sump or natural depression outside of the indicated areas.
- ~~viii~~-ix. If use of water for drilling is sourced from lakes on the Colomac footprint, the monthly amounts shall be reported to CIRNAC.
- ~~ix~~-x. The Permittee shall not alter or disturb the tailings water repository in Zone 2.0 Pit, ~~or in~~ the historic Duck Lake tailings remediation area, Tailings Lake, Dam 2 Discharge Channel and the Tailings Containment Area.
- ~~x~~-xi. The Permittee shall not access the warehouse building known as "Big Blue" as indicated in Colomac Site Map 1, unless otherwise authorized by the owner of the building.

- ~~xi~~.xii. The Permittee shall not impact upon caribou migration around the Colomac site.
- ~~xii~~.xiii. The Permittee shall not alter, block or otherwise disturb the caribou barriers or pathways.
- ~~xiii~~.xiv. The Permittee shall not impede or obstruct, in any way, the Crown's access to the site for monitoring or inspection purposes.

Description of areas referred to in the Colomac site restrictions

1. Discharge Pathway - Tailings Lake to Indin River
  - i) Spanner Lake and Paddle Lake-Midgefly Lake-315 Lake watersheds
  - ii) Surveillance Network Stations 1563-39, 1563-14, 1563-40, 1563-41, 1563-13, 1563-32
2. Tailings Containment Area
  - i) Engineered retention structures at Dam 1 / Dam 1B including thermosyphons and thermistor instrumentation strings
  - ii) Engineered tailings cap at Dam 1&2, mid-lake, Dyke 7 and causeway areas in Tailings Lake
  - iii) Engineered tailings cap in Spruce Lake
  - iv) Engineered Spruce Lake Disposal Cell (mill process waste repository)
  - v) Engineered retention and drainage structures Dyke 7, buttress and spillway
  - vi) Engineered drainage structure at Dam 2 Discharge Channel
  - ~~vii~~vii) [SNP 1563-39](#)
3. Tailings Containment Area Access Road
  - i) Duck Lake crossing restoration
  - ii) Sewage lagoon and decommissioned retention berm
  - iii) Historic Duck Lake tailings remediation area (west shore)
4. Open Pit Area
  - i) Zone 2.0 Pit (treated tailings water repository) [and East Wall](#)
  - ii) SNP 1563-26 in Zone 2.0 Pit
  - iii) Pressure sensor (hydrology monitoring) in Zone 2.0, 2.5, and 3.0 Pits
  - iv) Pressure sensor (hydrology monitoring) in Baton Lake
  - v) Engineered, non-hazardous landfill in Zone 2.5 Pit
  - vi) SNP 1563-29 (Baton Lake)
5. Spot Pond - Truck Lake - Steeves Lake Drainage
  - i) French drain between Baton and Spot Lake
  - ii) Engineered channel and plug at Spot Pond-Truck Lake drainage
  - iii) SNP 1563-23 (Truck Lake)
  - iv) Truck Lake re-vegetation areas along north and west shores
  - v) Engineered wetland at Truck Lake outflow to Truck Lake Channel
  - vi) Engineered Truck Lake Channel
  - vii) [SNP 1563-4 \(Truck Lake discharge at Steeves Lake\)](#)
  - ~~viii~~viii) [SNP 1563-02](#)
6. South Waste Rock Dump Area

- i) Hydrocarbon Soil Remediation Area
  - ii) Boneyard Remediation Area
  - iii) Engineered Primary Crusher cap
  - iv) Big Blue Warehouse
7. Main Mine Complex
- i) Camp pad (decommissioned sewage vault and pit privies)
  - ii) Tank Farm Area and G Tank Remediation excavation and re-grade areas
  - iii) Maintenance Shop excavation and re-grade area
  - iv) Mill Facility (power house, leach tanks, thickener tank) pad and re-grade area
  - v) Engineered Steeves Lake Shoreline (armour wall, attenuation and peat trench)
  - vi) Hydrocarbon Monitoring and Recovery Well Field
  - vii) Commissioned Land Treatment Unit (landfarm facility)
  - viii) SNP Stations 1563-20 and 42 (below mill area, outside remediated shoreline)
  - ix) SNP Stations 1563-46-5049 (Steeves Lake east shore)
  - x) Decommissioned explosives magazine area (airstrip access road)
  - xi) Access to the airstrip access road shall be permitted
8. Caribou Pathways and Barriers
- i) Barrier at Ridge Lake
  - ii) Pathway between Dyke Lake to Steeves Lake and ramp to Steeves Lake
  - iii) Pathway between Steeves Lake to Spanner Lake
  - iv) Pathway between Baton Lake and Lower Long Lake, north to Duck Lake
  - v) Barrier at south end of Zone 3.0 Pit
  - vi) Barrier at East Access Hill
  - vii) Barriers at North Waste Dump (west accesses and northeast comer)
  - viii) Pathway along ring road/trails around west and east side of TCA