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September 1, 2022

W2021L2-0004, W2021L2-0005, W2021C0009

Denise Lockett  
Manager, Stakeholder Relations, Licensing and Permitting  
Nighthawk Gold Corp.  
#301 – 141 Adelaide St. W.  
Toronto, ON, M5H 3L5

Sent via email

Dear Denise,

**Re: Nighthawk – Water Licence Amendment Applications and Land Use Permit Application – Additional Clarification**

On July 21, 2022, the Wek'èezhìi Land and Water Board (WLWB or the Board) re-opened the record of its Type A Water Licence Amendment Applications (W2015L2-0005 and W2021L2-0004) and Land Use Permit Application (W2021C0009) proceedings and issued an Information Request (the Request) to Nighthawk Gold Corp. (Nighthawk or the Applicant) to provide clarifications regarding bulk sampling and associated security.<sup>1</sup> The WLWB revised the Work Plan to reflect the additional steps necessary to obtain and consider the requested evidence.<sup>2</sup>

On August 2, 2022, Nighthawk requested the deadline of August 2, 2022 be extended to August 31, 2022.<sup>3</sup> On August 3, 2022, Parties were notified that the extension had been granted and the Work Plan would be updated and circulated following the receipt of Nighthawk's response to the IR.<sup>4</sup> On August 31, 2022, Nighthawk provided a response to the Request.<sup>5</sup>

The Request was intended to provide clarification on the evidence on the record and further understand the scope of the Applications requested by the Applicant and discussed through the proceedings. In

<sup>1</sup> See WLWB Online Registry at [www.wlwb.ca](http://www.wlwb.ca) for [Nighthawk - Federal WL Application - RFD for Reopening the Record and IR to Nighthawk - July 21 22.pdf](#)

<sup>2</sup> See WLWB Online Registry for [Nighthawk - Federal WL - Work Plan - Jul 21 22.pdf](#)

<sup>3</sup> See WLWB Online Registry for [Nighthawk - Federal WL Application - July 21 IR - Extension Request - Aug 2 22.pdf](#)

<sup>4</sup> See WLWB Online Registry for [Nighthawk - Federal WL Application - Extension to Deadline for Nighthawk's Response to Jul 21 IR - Aug 3 22.pdf](#)

<sup>5</sup> See WLWB Online Registry for [Nighthawk - Federal WL Application - Nighthawk Response to July 21 IR - Aug 31 22.pdf](#)

review of the Response, Board staff and legal counsel have identified that the newly defined “Advanced Mineral Exploration (Phase 2) (“Bulk Sampling”)” goes beyond the scope of activities proposed by the Applicant and considered by Parties through the proceedings to date. Examples of inconsistencies are provided in Table 1 below.

Table 1: Inconsistencies identified in the August 31, 2022 Response to IR

<b>Topic</b>	<b>July 21, 2022 Statements regarding Bulk Sampling</b>	<b>Previous Clarifications regarding scope of Bulk Sampling (identified in July 21, 2022 IR from <a href="#">April 25, 2022 Item for Review</a>)</b>
Bulk Sampling Activities	“Bulk Sampling: A sample of greater than 100 tonnes taken to confirm the economic feasibility of a mineral deposit by methods including trenching, open pit, adit, shaft, tunnelling, and decline construction.”	Bulk sampling will be completed using a diamond drill to obtain drill core, surface samples/trenching, or reverse circulation drilling (response to GNWT-ENR comments 1 and 2);  The type of bulk sample undertaken previously at Damoti, is not proposed (response to GNWT-ENR comment 1).
Size of Samples	Bulk Sampling >100 tonnes/sample	On average, bulk samples obtained through surface sampling/trenching, diamond core drilling or reverse circulation drilling, are estimated to be 1 to 2 <sup>6</sup> tonnes, and up to a maximum of 100 tonnes (response to GNWT-ENR comments 1 and 2).
Waste Rock Management	“Should the Licensee wish to deposit new waste rock or ore with the Project area during Bulk Sampling activities, further security may be required.”  “As noted in previous responses to IRs, during Exploration Sampling Nighthawk does not anticipate the generation of any new waste rock and anticipates that most, if not all sample material will be transported from site in mega bags. However, as noted throughout the proceedings, Nighthawk believes that “Bulk Sampling” has always been a permitted activity and	Proposed methods do not generate waste rock that needs to be stored at surface and monitored (response to GNWT-ENR comment 1).

<sup>6</sup> Contradiction identified: Response to GNWT comment 1 says 1-2 tonnes, while response to GNWT comment 2 states 1-10 tonnes,

	recognizes that if new waste rock is deposited, additional security might be required. To be clear , Nighthawk does not believe that a licence amendment would be required in that case, which is why Nighthawk has modified the proposed condition above.”	
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The Board's decision to re-open that record and the associated Request sought to clarify elements related to security and was/is not an opportunity to further expand the scope of what Nighthawk has applied for and committed to. This submission cannot be accepted in its current form. Given the change in scope of activities, Nighthawk has the following options available:

- i. Revise the Response to align with Nighthawk’s application and evidence on the record to-date; or
- ii. Submit revised Applications to initiate consideration of a change in scope.

Please respond by September 8, 2022 indicating which option Nighthawk wishes to pursue and by what date the Board can expect the associated submission. The WLWB's legal counsel is also available to follow up with Nighthawk's legal counsel to discuss these matters further. The Work Plan will be updated and circulated following the receipt of Nighthawk’s response.

Sincerely,



Ryan Fequet  
Executive Director, Wek’èezhii Land and Water Board

Bcc: Nighthawk Distribution List