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October 22, 2021

Files: W2021L2-0004 & W2021L2-0005

Denise Lockett
Nighthawk Gold Corp.
141 Adelaide Street West, Suite 301
Toronto, ON M5H 3L5

Sent by e-mail

Dear Denise,

Re: Nighthawk Gold Corp. – Water Licence Applications Incomplete – Mining and Milling – Indin Lake, NT

On October 14, 2021, Wek'èezhii Land and Water Board (Board) staff received the Application for Water Licence W2021L2-0004¹ and Water Licence W2021L2-0005² for mineral exploration at the Indin Lake Gold Property from Nighthawk Gold Corp. (Nighthawk).

The Application has been reviewed and found to be lacking information required under section 5 of the Waters Regulations and section 6 of the Mackenzie Valley Federal Areas Waters Regulations. For the Application to be considered complete, refer to the MVLWB *Guide to Completing Water Licence Applications to the Mackenzie Valley Land and Water Board*³ (Guide) and submit the following information to the Board's office:

1. **Engagement Record:** The submission included an Engagement Record (the Record); however, it was determined to be incomplete. Nighthawk is to submit a revised Record prepared in accordance with section 2.1 of the MVLWB *Engagement and Consultation Policy*⁴ and *Engagement Guidelines for Applicants and Holders of Land Use Permits and Water Licences*⁵ including the following:

¹ See WLWB Online Registry (www.wlwb.ca) for [Nighthawk – Non-Federal WL Application – Application Form – Oct 14 21](#)

² See WLWB Online Registry for [Nighthawk – Federal Licence Application – Application Form – Oct 14 21](#)

³ MVLWB (2020) [Guide to the Water Licensing Process](#).

⁴ MVLWB (2018) [Engagement and Consultation Policy](#).

⁵ MVLWB (2018) [Engagement Guidelines for Applicants and Holders of Land Use Permits and Water Licences](#).

- a. **Potentially Affected Parties:** The Record indicates that staff at NWT Treaty 8 Tribal Corporation, North Slave Métis Alliance (NSMA), Yellowknives Dene First Nation (YKDFN), and Łutsël K'édé Dene First Nation (LKDFN) were emailed on May 8, 2021 with a follow-up email sent October 18, 2021. Deninu Kųé First Nations (DKFN) was emailed on October 18, 2021. It is unknown if any of these parties received the emails. Nighthawk is to update the Record to indicate when and how Nighthawk followed up with parties to ensure the communication attempt was received. Follow-up to ensure receipt of written notification is best practice and is required for this application (a phone call, at minimum, is recommended in this case).
 - b. **Government Departments:** The Record indicates that staff at the Government of the Northwest Territories – Prince of Wales Northern Heritage Center (GNWT-PWNHC) and GNWT – Department of Lands were contacted on October 18, 2021. It is unknown if these departments received the emails. Nighthawk is to update the Record to indicate when and how Nighthawk followed up to ensure the communication attempt was received.
2. **Closure and Reclamation Plan:** The submission references the interim Closure and Reclamation Plan (CRP) Version 3.3⁶ that was approved by the Board on May 21, 2021.⁷ The approved interim CRP was submitted under the existing authorization W2018L2-0003 for non-federal lands. Version 3.3 of the interim CRP does not cover all Project activities, including the Colomac camp. The Guide to the Land Use Permitting Process and Guide to the Water Licensing Process indicates that a description of the purpose, nature, and location of all activities for all phases, including closure and reclamation, should be included in the Application. Please provide a description of closure and reclamation activities for the entire Project proposed in the Type A Licences and the Type A Land Use Permit.
3. **RECLAIM Estimate:** Nighthawk submitted a RECLAIM estimate with the submission, in part, to address the Board's decision on Version 3.3 of the interim CRP.⁸
 - a. Part of the Board's decision on the interim CRP Version 3.3 required Nighthawk to engage with the landowners (i.e., GNWT and CIRNAC) in the development of the RECLAIM estimate. Please provide evidence that CIRNAC and GNWT were engaged in the development of the RECLAIM estimate.
 - b. During development of a RECLAIM estimate, the *MVLWB/INAC/GNWT Guidelines for Closure and Reclamation Cost Estimates for Mines*⁹ requires that supporting documentation be submitted that describes assumptions and inputs that were used to develop the closure cost estimate. Additionally, it was noted that some site-specific costs have been used in the RECLAIM estimate, but no supporting information was provided. Please provide supporting documentation for the RECLAIM estimate, including information regarding the proposed site-specific costs.

⁶ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – ICRP Version 3.3 – Aug 28 20](#)

⁷ See WLWB Online Registry for [W2018L2-0003 – Nighthawk – ICRP Version 3.3 – Reasons for Decision – May 21 21](#)

⁸ *Ibid.*

⁹ MVLWB/GNWT/INAC (2017) [Guidelines for Closure and Reclamation Cost Estimates for Mines](#)

4. Name and Contact Information – Applicant: Revise the Application Form so the information provided in Section 1 includes the organization that will become the licensee.
5. Name and Contact Information – Corporate Head Office: Provide a current copy of the Certificate of Corporate Registration from the Government of the Northwest Territories for inclusion into the Application Package.

Upon receipt of this information, the Application will be reviewed as per the Waters Regulations and the Mackenzie Valley Federal Areas Waters Regulations. If this information is not provided within 90 days of the date of this letter, staff will return the Application.

Please contact Anneli Jokela at (867) 765-4588 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Meaghan MacIntyre-Newell', written in a cursive style.

Meaghan MacIntyre-Newell
Regulatory Specialist

BCC'd to: David-Scott McQuinn – Inspector, GNWT-ENR
 Rick Walbourne – Manager, Water Resources, GNWT-ENR
 Tim Morton – Inspector, CIRNAC
 Mike Roesch, CIRNAC