



January 11, 2023

Mason Mantla  
Chair  
Wek'èezhù Land and Water Board  
BOX 32  
WEKWEÈTÌ, NT X0E 1W0

Dear Mr. Mantla:

**Nighthawk Gold Corp. – Type A Water Licence W2021L2-0004**

Thank you for your letter received on November 30, 2022, regarding Nighthawk Gold Corp.'s (Nighthawk) Type A Water Licence W2021L2-0004 for the Indin Lake Gold Project at Indin Lake.

I note that the Board determined that the locations where effluent quality criteria (EQC) must be met are limited to the edge of the disturbed area and at the point of discharge from the minewater settling pond. The Government of the Northwest Territories (GNWT) noted in closing arguments that while the ponds may have been created during site grading; the ponds were not created for the purpose of managing wastewater and have subsequently been naturalized with aquatic organisms (not including fish). As indicated by GNWT staff during the proceeding, I am concerned that the Board's determination of where EQC apply could be viewed as setting a new precedent regarding wastewater management. I note that in your Reasons for Decision (November 30, 2022), the Board "emphasizes that its consideration of the definition of the Receiving Environment is specific to this Project site and mine status and does not limit discussions regarding acceptable closure of the Damoti site." Thus, I am confident that the Board will continue to make decisions to ensure wastewater is managed in a responsible manner.

During the proceeding, the Board reopened the Public Record in consideration of the new evidence submitted by both the GNWT – Environment and Natural Resources (ENR) and Nighthawk in their Closing Arguments and the record to date. The new evidence submitted by GNWT-ENR was a new RECLAIM security estimate related to bulk sampling activities. I understand that this situation occurred as a result of Nighthawk clarifying at the Public Hearing that the scope of its applications included bulk sampling on both federal and non-federal land. However, Nighthawk stated that it could not provide specific locations at that time. Interveners then indicated that they had not considered bulk sampling beyond the Damoti site. Since the Technical Workshop was not transcribed, the discussions at this meeting related to the proposed scope of the licence could not be verified.

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Based on this new information, the GNWT submitted the new RECLAIM security estimate to reflect the bulk sampling activities described by Nighthawk in response to the April 25, 2022, Information Request. I understand that in the end, Nighthawk indicated no changes were being proposed from the original application with respect to bulk sampling authorization (and thus related security). I appreciate the Board's thorough effort during the proceeding to ensure the scope of activities was clear to all Interveners, which in this case required extra steps, including reopening the public record.

Acknowledging the items noted above, I have approved the Water Licence as recommended. The signed original is enclosed.

Sincerely,



Shane Thompson  
Minister  
Environment and Natural Resources

Enclosure

c. Dr. Erin Kelly  
Deputy Minister  
Environment and Natural Resources

Julian Kanigan  
Assistant Deputy Minister, Environment and Climate Change  
Environment and Natural Resources

Rick Walbourne  
Acting Director, Water Management and Monitoring Division  
Environment and Natural Resources

Ryan Fequet  
Executive Director  
Wek'èezhì Land and Water Board