

RECLAMATION SECURITY – TYPE II SITES
POLICY DIRECTION

Pursuant to subsection 11(1) of the *Waters Act* (the '*Act*'), the Minister responsible for the Executive Council Office, as the Minister responsible for the issuance of policy directions under the *Act* pursuant to Order in Council 2003/275, hereby gives the following policy direction to the Yukon Water Board (the '*Board*').

1. If

- (a) a court of competent jurisdiction has exercised its authority in overseeing and authorizing the sale of the assets of a type II site (the '*site*'), as defined in the Yukon Northern Affairs Program Devolution Transfer Agreement, made between the Government of Canada and the Government of the Yukon, dated October 29, 2001; and
- (b) the purchaser of the assets (the '*purchaser*'), as a condition of the sale referred to in paragraph (a), has entered into an agreement with the Government of Yukon and the Government of Canada setting out, amongst other things,
 - (i) responsibility for environmental liabilities at the site that have arisen as a result of past mining activities at the site (the '*historic liabilities*'), and
 - (ii) financial arrangements concerning care and maintenance and reclamation of these historic liabilities,

then, the Board shall, in considering an application for a type A or B licence made by the purchaser (the '*applicant*') for an undertaking at the type II site, exercise its discretion under subsection 15(1) of the *Act* respecting security such that the applicant is not required to furnish and maintain security with the Minister with respect to the historic liabilities except to the extent the agreement referred to in paragraph (b) establishes that the applicant is to assume responsibility for some of the historic liabilities.

2. This direction shall apply to the issuance, amendment and renewal of a license related to an undertaking at a type II site.

This policy direction is effective as of the 11th day of April 2006.



Dennis Fentie, Minister, Executive Council Office