

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM03-315, Stanley Stempien
and Mining Land Use Approval AP03315

The Yukon Water Board ("the Board") has made licensing decisions with respect to water use application PM03-315, which is an application for a type B licence for a placer mining undertaking:

The purpose of the application was to obtain a water use licence, to obtain/store water, deposit a waste and to obtain an approved mining land use operating plan.

Notice of application was provided in accordance with the requirements of the *Waters Act* and the *Placer Mining Land Use Regulation*. In response, the Board received interventions from the following parties:

Fisheries and Oceans Canada ("DFO"),
Government of Yukon ("GY"), Client Services and Inspections, Mining Land Use Officer,
Environmental Protection and
Tr'ondëk Hwëch'in

No party requested a public hearing. The applicant did not respond to the interventions.

Prior to making licensing decisions, the Board undertook an environmental screening of the project pursuant to the *Environmental Assessment Act* ("EAA"). The Board is satisfied that any known adverse effects that may be caused by the project are insignificant or can be mitigated with known technology or reasonable work practices.

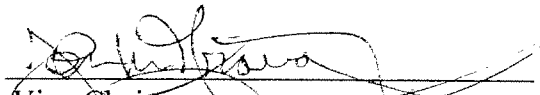
In making licensing decisions pertaining to this application, the Board took into account the application itself, the Environmental Assessment, the recommendations of interveners, the Board's standard licence requirements and Board policies.

The applicant did not propose alternative approaches to the Operating Conditions in the *Placer Mining Land Use Regulation*. These Operating Conditions have been incorporated into the Placer Mining Land Use Approval for a Class IV Operating Plan.

The effluent discharge standards and operating standards which are stipulated in the Yukon Placer Authorization ("YPA") and the Fish Habitat Restoration Plan have been incorporated into the licence. The YPA came into effect in January 1994 and is intended to ensure that authorized placer mining sediment discharges and approved stream channel alterations have no significant adverse impacts, including cumulative ones, on fish and fish habitat, and therefore, is considered to be adequate mitigation with respect to the *Environmental Assessment Act*.

Government of Yukon, Environmental Protection and Assessment Branch, suggested the Board consider making a special heading (Wildlife) in the approval and include the 2 clauses currently in the approval along with a prohibition against feeding wildlife. The Board accepted the creation of a heading dedicated to wildlife and directed that 3 current clauses be included in this category. The Board determined that the inclusion of a prohibition in the approval was not warranted as there is legislation in place currently prohibiting such an activity (*the Wildlife Act*) and as the applicant had not proposed in the application to feed the wildlife, inserting such a prohibition was un-necessary.

No term of the water use licence limits the application of any federal, territorial, municipal or first nation legislation.


Vice-Chairperson

November 13/05
Date