

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM03-332, Tatlow Placer Mines Ltd.
and Mining Land Use Approval AP03332

The Yukon Water Board ("the Board") has made licensing decisions with respect to water use application PM03-332, 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, construct instream settling and diversion channels, deposit a waste and to obtain an approved placer 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), Energy, Mines and Resources, Client Services and Inspection Branch,
Government of Yukon (GY), Energy, Mines and Resources, Mineral Resources, Mining Lands,
Government of Yukon (GY), Environment, Environmental Programs Branch,
Transport Canada, Navigable Waters Protection Division and
Tr'ondëk Hwëch'in

No party requested a public hearing. The applicant did respond to the interventions from Fisheries and Oceans Canada, GY, Client Services and Inspection Branch.

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 EAA screening report, the recommendations of interveners, the Board's standard licence requirements and Board policies. Territorial Resource Base Maps 1150 - 14, 1150-11 and 1150-15 as referenced in Tr'ondëk Hwëch'in Final Agreement has been reviewed, to assist the Board in their understanding of the location of the undertaking and settlement land.

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 4 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.

DFO provided stream channel restoration measures for Areas A, B, C, D and E. However, the recommendation provided by DFO for Area D has not been included in the licence and the licence does not permit any work in this area.

The DFO intervention, did not recommend the restriction of the use of the stream as a conduit, but indicated that the applicant did not adequately demonstrate the need to use the creek as a conduit. GY, Client Services and Inspections Branch recommended restrictions of the use of the stream as a conduit. The applicant has responded to these concerns and has provided satisfactory justification to use the creek as a conduit to transport hydraulic effluent to the settling facilities in the Indian River valley. The lower portion of the Quartz Creek valley seems to be wide enough to construct out of stream ponds, but the applicant does not own all the claims in the valley and according to the agreements in place with the other claim holders, the agreements only allow the applicant to use the creek as a drain through their claims.

The Board determined that the licence should authorize the use of the stream as a conduit for hydraulic stripping and should contain the following conditions for this use:

- a) Canyon Creek, Little Blanche Creek and Quartz Creek may be used as a conduit to transport effluent to the settling facilities at the mouth of Quartz Creek, and
- b) Canyon Creek, Little Blanche Creek and Quartz Creek may be used as a conduit until July 25 each year to transport hydraulic effluent to the settling facilities.

DFO and GY, Client Services and Inspections Branch had a concern about instream settling. The Board determined to include clauses in the license for seasonal closure and decommissioning of the instream settling facilities.

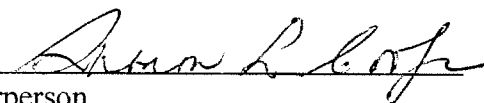
GY, Client Services and Inspections Branch recommended that the licensee construct a separate drain to the lower settling facilities. The Board noted that the Licensee did not have an agreement with the downstream miners for this purpose.

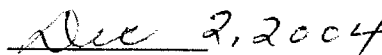
The Board determined that the inclusion of typical licence conditions relating to watercourse crossings would ensure that the crossings are stable.

GY, Client Services and Inspections Branch recommended that the instream facilities should be built prior to the creek being used as a conduit. The licence requires that settling facilities be provided for all mining wastewaters.

The proposed operation will not substantially alter the quantity, quality or rate of flow of water flowing on or adjacent to settlement land.

The Board's decisions have also been included in Part 7 of the EAA screening report.


Chairperson
Yukon Water Board


Date