

YUKON WATER BOARD  
REASONS FOR DECISION  
Water Use Application PM03-353  
Greg McNeil and David Kosuta  
and Mining Land Use Approval AP03353

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM03-353, 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, divert the stream channel, 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),  
Transport Canada,  
Government of Yukon (GY), Mining Land Use Officer, Client Services and Inspections; and  
Tr’ondëk Hwëch’in

No party requested a public hearing. The applicant did respond to the intervention from DFO.

Prior to making licensing decisions, the Board undertook an environmental screening of the project pursuant to the *Environmental Assessment Act*. 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 Board noted that the application has been advertised twice due to the change in the names requested on the licence. The Board noted that prior to the second advertisement the applicant had removed the request to use the creek as a conduit from the mining plan.

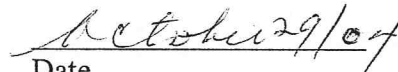
The Board directed that the recommendations contained in Part Six of the screening report be incorporated into the licence for the reasons stated within the screening report.

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. The YPA 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*.

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

  
Chairperson  
YUKON WATER BOARD

  
Date