

YUKON WATER BOARD  
REASONS FOR DECISION  
Water Use Application PM04-365, Wayne Fischer  
and Mining Land Use Approval AP04365

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM04-365, 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), Mining Land Use Officer, Client Services and Inspections,  
Transportation Engineering; 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*. 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.

In regards to the request to use an existing dredge pond as a settling facility, the Board is aware of the porous nature of the dredge tailings situated in the Dawson Area and the utilization of some of the ponds by fish. The Board determined that Fisheries and Oceans Canada request for a fish study had merit and, if the applicant requires the use of such a facility, must be completed and presented to the Board with an amendment application.

The Board noted the intervention from Public Works and Highways concerning the right-of-way for the highway and directed that the licence constrict the Licensee from using any portion of the right-of-way for storage of materials without the required permits from Public Works and Highways.

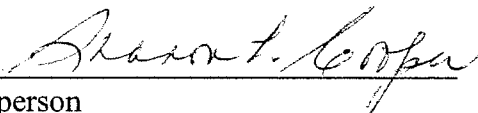
The Board noted the hydro right-of-way and the lack of response from Yukon Energy to this application. The Board accepts the applicant's declaration that the work is being conducted within the hydro right-of-way with the knowledge and agreement of Yukon Energy.

The Board directed that all the recommendation contained within Part Six of the screening report be included in the licence and/or approval for the reasons stated therein.

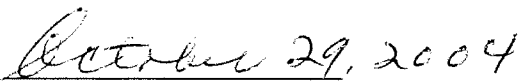
The applicant did not propose alternative approaches to the Operating Conditions in the *Placer Mining Land Use Regulation*. These Operating Conditions have been incorporated into the Placer Mining Land Use Approval for a Class 4 Operating Plan.

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.

  
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Chairperson  
YUKON WATER BOARD

  
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Date