

YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM04-440
Farley's Machine Inc.

The Yukon Water Board (the Board) has made licensing decisions with respect to water use application PM04-440, which was an application to renew a type B licence for a placer mining undertaking.

The Board noted that the application was unable to be presented to the Board in a time that would allow the new licence to be a renewal.

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

Notice of the 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 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, Chapter 14 of the Umbrella Final Agreement, the *Waters Act*, *Waters Regulation* and Board policies.

The Board, as a Responsible Authority, concurs with the recommendations contained in Part Six of the environmental assessment screening report, for the reasons stated therein.

The Board noted the Tr'ondëk Hwëch'in request to be involved in the planning for reclamation on four claims within this application. The Board strongly urges the Licensee to consult with the first nation before finalizing the reclamation on those four claims.

The Board noted GY, Client Services and Inspections request to include uncompleted reclamation work from an expired approval into this licence or approval. The Board was not provided the extent of the reclamation work required or the specific location of the reclamation work. The intervention did not request security to ensure the reclamation work was completed. The Board strongly urges the Licensee to ensure outstanding reclamation work is completed.

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 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 condition of the water use licence limits the application of any federal, territorial, municipal or first nation legislation.



Chairperson
YUKON WATER BOARD

June 29, 2005
Date