

**YUKON WATER BOARD
REASONS FOR DECISION
Water Use Application PM07-576, Norbert Brosche
and Mining Land Use Approval AP07576**

The Yukon Water Board ("the Board") has made licensing decisions with respect to water use application PM07-576 for a type B placer mining undertaking and mining land use approval AP07576.

The purpose of the application is to obtain a water use licence to obtain water from Harvey Gulch, store the water, divert and deposit a waste into Harvey Gulch, and to obtain an approved placer 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*. The Board received no interventions in response to the public notice.

In making licensing decisions pertaining to this application, the Board also took into account the *Waters Act*, *Waters Regulation*, the application, the *Yukon Environmental and Socio-economic Assessment Act* ("YESAA") Decision Document, the Board's standard licence requirements, Mining Map 115P/16, Chapter 14 of the Umbrella Final Agreement ("UFA") and Board policies.

Environmental Assessment

This application required an environmental assessment under the YESAA.

Prior to making licensing decisions, the Board reviewed YESAA Decision Document ("Decision Document"), project #2008-0145, which is included in the water use register. As per section 86 of YESAA, the Board is satisfied that the issuance of licence PM07-576 is not contrary to the terms and conditions included in the Decision Document.

Neither the applicant nor the YESAA Decision Document proposed any alternative approaches to the operating conditions in the *Placer Mining Land Use Regulation*. The operating conditions have been incorporated into the Placer Land Use Approval for a Class 4 Operating Plan.

Expiry Date of Licence:

The applicant submitted the application to the Water Board on February 4, 2008, proposing an expiry date of 5 years with a proposed expiry date of September 30, 2013. The Decision Document was issued on July 25, 2008. The water use/mining land use application was deemed to be adequate and advertised

September 4, 2009. Due to the time lapsed between initial application and Board deliberation, it was determined to issue an expiry date of Oct. 7, 2014 for the licence and approval, based on the date of the Board's deliberation of the application, in order to provide a 5 year term as proposed by the applicant.

Effluent Discharge Standard

This application was subject to the Yukon Placer Authorization, which sets a settleable solids threshold at 5.0 ml/L. Since the new Fisheries Authorization standard of 2.5 ml/L for the Mayo Watershed was going to be issued soon after issuance of this licence, the Board determined to set the compliance standard in accordance with the new Fisheries Authorization.

Chapter 14 of the UFA

The Board examined the proposed use of water as it relates to Chapter 14 of the UFA, as to quantity, quality, or rate of flow of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow, as follows:

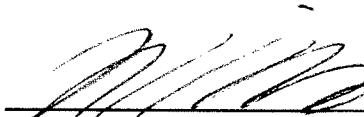
Map 115P/16 and 115P/09 are included in the First Nation of Nacho Nyak Dun Final Agreement. First Nation of Nacho Nyak Dun did not intervene to the Board regarding this project.

Mining Claims Maps 115P/16 and 115P/09 were reviewed for Settlement Land. Settlement Land parcels, owned by First Nation of Nacho Nyak Dun are indicated on the maps; however, these parcels are located in different drainages than that of the proposed operation.

Therefore, the Board concluded that the proposed operation will not substantially alter the quantity, quality or rate of flow of water flowing on, through or adjacent to Settlement Land, including seasonal rate of flow.

Conclusion

The Board has relied on the representations, warranties and undertakings provided by the Licensee in the material filed in the application. The Board has approved the issuance of Water Use Licence PM07-576 and AP07576 for Placer Land Use Approval for a Class 4 Operating Plan.


Chairperson
Yukon Water Board

January 20th 2010
Date