

**Yukon Environmental & Socioeconomic Assessment Act  
Decision Document**

This document meets the Yukon government's requirements as a Decision Body as set out in the *Yukon Environmental & Socioeconomic Assessment Act*

**Decision Document Issued By:**

<b>YG Decision Body:</b>	EMR Minerals Management
<b>Federal Decision Body(ies):</b>	<i>[where applicable]</i>
<b>First Nation Decision Body(ies):</b>	<i>[where applicable]</i>

**Project**

<b>Project Name :</b>	<b>Wayne Fischer</b>	YESAA File Number <b>2006-0019</b>
<b>Proponent Name:</b>	Tim Osler	
<p>Project Description: The principal activity of this project is placer mining, including associated activities, on approximately 485 hectares of placer claims on Sparkling Creek.</p> <p>Activities include:</p> <ul style="list-style-type: none"> <li>- using heavy equipment to clear and level work area, process materials, divert creeks, and build settling ponds</li> <li>- on-going reclamation of the mined area</li> </ul> <p>The accessory activities associated with this project include:</p> <ul style="list-style-type: none"> <li>- a camp for three persons including a shack, trailer, outhouse and fuel tanks with a total capacity of 66,000 litres.</li> <li>-hauling of fuel, equipment and material by boat/barge on the Yukon River</li> </ul> <p>The claims will be accessed through existing inland roads, helicopter and by boat on the Yukon River from Dawson City and Minto Landing.</p>		

**Other Decision Bodies**

<b>Other Decision Body Consultation:</b>	<i>[list decision bodies consulted where applicable]</i>
<b>Consolidated Decision Document:</b>	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> No <input type="checkbox"/> Yes <i>[list decision bodies consolidated with where applicable]</i>

**Non-Self Governing First Nations**

<b>Non-self governing First Nation Consultation:</b>	<i>[list First Nation consulted where applicable]</i>
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**Decision**

Pursuant to ss. 75, 76 and 80, the Yukon government has considered the YESAA Assessment and:

a) Accepts the following recommendation(s)  
 • [List Terms and Conditions and responsible YG department where applicable]  
 •

b) Rejects the following recommendation(s) for the following reason(s):  
 • [List specific reasons]  
 •

c) Varies the following recommendation(s) as follows for the reason(s) specified:

**Water Use Licence / Mining Land Use Approval**

**Government of the Yukon accepts the following:**

- Vehicles and equipment are to be clean and free of fluid leaks
- Refueling of vehicles and equipment is to occur away from water bodies and water course.
- For portable containers (drums and slip tanks) have an extra fuel storage container on site equal to or greater than the size of the largest portable container at the site.
- Operations must not be carried out within 30m of a known archaeological, palaeontological or burial site unless the Chief, Mining Land Use, Mineral Resources Branch indicates, in writing, that such activities may be carried out.
- Any sites containing archaeological objects or human remains, or burial sites discovered in the course of carrying out an operation must be immediately marked and protected from further disturbance and, and as soon as practicable, the discovery reported to the Chief, Mining Land Use, Mineral Resources Branch. No further activities may be carried out within 30m of the site until the Chief indicates, in writing, that the activities may be resumed.
- All archaeological resources uncovered during operations shall be reported to the Yukon Archaeology Program, Government of Yukon.
- The proponent shall set aside and protect fossils that are unearthed. The proponent shall report these findings to Yukon Palaeontology at the end of each season.
- If mummified fossil remains, with intact flesh, are discovered, the proponent shall immediately contact Yukon Palaeontology.
- When safe to do so, burn all combustible garbage and debris.
- Keep garbage and debris in a covered metal container covered in a manner that prevents access by bears and other wildlife.
- Remove all garbage and debris from the area and dispose of in an approved disposal site
- All scrap metal, discarded machinery and parts, drums, buildings and building materials are to be removed and deposited in an approved metal salvage site.

**Government of the Yukon varies the following:**

**Varies:**

- If petroleum fuel storage capacity exceeds 4000L, a secondary containment structure must be constructed. The containment structure must be made of a material impervious to petroleum products and

- a) if there is a single storage tank, be of sufficient size to accommodate at least 110% of the capacity of the storage tank; or
  - b) if there is more than one storage tank, be of sufficient size to accommodate 110% of the capacity of the largest storage tank or 10% of the total capacity of all of the tanks, whichever is greater.
- All petroleum products, including waste petroleum products, and any other hazardous substances must be stored in a secure fashion no less than 30m from the ordinary high water mark of any water body.
  - All petroleum products, including waste petroleum products, and any other hazardous substances, must be transferred and handled without spillage.
  - All petroleum products and any other hazardous substances must be removed from the site of the operation when the operation ceases.
  - All waste petroleum products and any other special waste, as defined in the Special Waste Regulation, generated in the course of carrying out the operation must be disposed of in accordance with the Special Waste Regulation when the operation ceases.
  - A spill contingency plan for petroleum products and other hazardous substances must be prepared and posted in the camp and at all fuel handling locations used in carrying out the operation.
  - All fuel spill equipment and materials must be maintained in a state of readiness sufficient at all times to contain and clean-up any hazardous materials spills.
  - If a spill occurs, the spill contingency plan must be immediately implemented and notice given to the 24-hour Yukon Spill Report Line. As soon as practicable, an inspector must be contacted. Whatever remedial action is required to clean-up the spill and reclaim the affected land and water must be taken.

**Justification:**

- *Standard Operating Conditions mitigate concerns.*

**Replaced with:**

- All operating activities must comply with the Operating Conditions contained in Schedule 1 of the Placer Mining Land Use Regulation.

**Varies:**

- Do not allow effluent levels to exceed limits established for Sparkling Creek and prescribed in the Yukon Placer Authorization
- All diversions, channels, ditches, drains, dams or any structure built or otherwise effected must be able to withstand seasonal floods
- Spring freshets may not be routed through working areas, with the exception of instream reservoirs, provided they meet effluent standards identified above
- Where diversion channels around working areas are built or excavated they must be open in preparation for the spring freshet
- Deleterious substances (including, but not limited to, fuels, lubricants, cleansers or solvents, or other chemicals or substances) must be used, transported, stored and/or disposed of in such a way that they are not deposited in or allowed to be deposited in waters frequented by fish, including upstream waters
- Cross-valley structures may be used in the narrow valley areas only the maximum height of cross-valley structures shall not exceed one and one half (1.5) meters in height when measured on the downstream side. Acceptable methods for placement and materials used for the cross-valley structures should be developed in consultation with the Natural Resources Officer
- All water withdrawals from portions of Sparkling Creek that contain fish must be screened to prevent the entrainment of fish. Standards for screening are:
  - mesh must have no less than 8 openings per linear inch (3.5 openings per cm)

- openings must be no greater than 1/8 inch (3.2 mm) along any given side, and if a punch plate or similar material is used, openings must be no greater than 1/8 inch (3.2 mm) in length or width
- there shall be no less than 1 square foot of open screen area for every 45 imperial/55US gallons per minute withdrawn (in metric, 929 sq. cm of open screen per 205 litres per minute)
- screens shall be kept in good and efficient state of repair
- water must not be withdrawn at any time that the screen is removed
- Subject to the above mitigations referring to spring freshet, total creek flow may be directed through settling facilities in Areas B and C of the stream provided:
  - the above noted activities only occur in the narrow valley sections with no room to accommodate out of stream settling
  - a bypass channel is constructed around the instream settling facilities where ever valley widths allow
  - the effluent standards listed above is met at all times
  - settling facilities are able to withstand and convey high water events
  - restoration channels are to be constructed away from the instream settling facilities where ever valley width permits
  - temporary diversions must be in accordance with the following dimensions and general characteristics, as must channel restorations which must be completed at the end of each mining season:
    - width must be no less than 3 meters in Area B of stream and 1.5 meters in Area C of stream
    - depth must be no less than 1.4 meters in Area B of stream and 1.2 meters in Area C of stream
  - restored channels must be in accordance with the following general characteristics:
    - gradient of the channel must be between 0.0% and 4.0% for Area B of the stream and between 0.0% and 11.0% for Area C of the stream
    - the bed and banks of the restored channel should be stable
    - the beds and banks of any tributary (including gulches and pups) to Sparkling Creek should be left in a stable condition
    - armoring will be employed as directed in Figure 8 of the "Guidelines for the Design and Construction of Stream Channels for Yukon Placer Mined Streams", and should in all instances conform to class I
    - where material of sufficient size is available the armour should conform to class III
  - in Area B of the stream structures should be left in a manner that erosion is controlled and revegetation is possible
  - topsoil/organic overburden or fines from washed tailings should be spread on both sides of the restored channel
  - active revegetation measures are required on at least one side of the restored channel
- Specific to Area A of the stream:
  - forest cover and vegetation within at least twenty (20) horizontal meters of the natural boundary of the stream shall not be disturbed or removed
  - forest cover, topsoil or debris shall be disposed of in such a manner as to prevent entry into the stream
  - gravel or other material shall not be displaced or removed within at least twenty (20) horizontal meters of the natural boundary of the stream
  - machinery and equipment shall not be operated or transported within twenty (20) horizontal meters of the natural boundary of the stream without the express approval of Fisheries and Oceans Canada, with the exception of the use of existing accesses that do not enter the creek channel
  - tailing should not be deposited within at least twenty (20) horizontal meters of the natural boundary of the stream

- no part of any settling pond or ancillary dike shall be located within twenty (20) horizontal meters of the natural boundary of the stream
- where water infiltrates to ground, this must not result in the entry of suspended or settleable solids to exceed the limits outlined above, into Area A of the stream

**Justification:**

- *The Yukon Placer Authorization (YPA) dictates sedimentation standards for the Placer industry. This authorization will be phased out and replaced by separate watershed authorizations. Any resulting changes will apply to this project.*
- *Fisheries and Oceans Canada offers a Letter of Advice which gives information and guidelines dealing with several aspects of fish and fish habitat concerns.*

**Replaced with:**

- The proponent will comply with standards set out in the Yukon Placer Authorization as a minimum.
- The Letter of Advice from Fisheries and Oceans Canada provides guidance for site specific mitigation for fish and fish habitat issues for this project.

**Government of Yukon Varies the following by removing:**

- Commercial barge operators that may be used to transport fuel on the Yukon River are to be authorized by Transport Canada, Marine Safety.

**Justification:**

- *Commercial operators are beyond the scope of this project and this assessment.*

**Health and Social Services**

**Varies:**

- Operate the camp and manage wastes in a manner that complies with the Yukon Camp Sanitation Regulations and the Yukon Sewage Disposal Systems Regulation.

**Justification:**

- *The proponent is non-compliant with regard to septic specifications and drinking water methodology.*

**Replaced with:**

- Sewage disposal system must be upgraded to meet legislated requirements and to mitigate health concerns.
- Surface water must be treated to be safe for human consumption.
- Operate the camp and manage wastes in a manner that complies with the Yukon Camp Sanitation Regulations and the Yukon Sewage Disposal Systems Regulation.

**Dates**

<b>Project Recommendation Issued:</b> March 20, 2006	<b>Decision Document Issued:</b> April 12, 2006
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**Recommendation Received From:**

Designated Office	<input checked="" type="checkbox"/>	Location: Dawson
Executive Committee	<input type="checkbox"/>	

Panel	<input type="checkbox"/>	a) Panel of the YESAB
	<input type="checkbox"/>	b) CEAA Panel
	<input type="checkbox"/>	c) Joint Panel (YESAB and other assessment body)

### Authorization

By signing below, the Yukon government has exercised its authority as per YESAA s. 75 or s. 76 to issue a decision document on this project.

Name: Robert Holmes Position: Director, Mineral Management

Signature: Original Signed Date: April 11, 2006  
 Original signed by Robert Holmes, Director, Mineral Management

### Copies Forwarded to (as required by YESAA):

- Other Decision Bodies [list] \_\_\_\_\_
- Project Proponent [name] \_\_\_\_\_
- DAP Branch, Executive Council Office \_\_\_\_\_
- YESAB Designated Office [location] \_\_\_\_\_
- YESAB Executive Committee [when applicable] \_\_\_\_\_
- Minister Environment (Canada) [when applicable] \_\_\_\_\_
- Yukon Surface Rights Board [when applicable] \_\_\_\_\_
- Yukon Water Board [when applicable] \_\_\_\_\_
- Land Use Planning Commission: [when applicable] \_\_\_\_\_
- Independent Regulatory Agency [when applicable] \_\_\_\_\_
- Other Body/Person as Required [List] \_\_\_\_\_