

YUKON WATER BOARD REASONS FOR DECISION

Water Use Application PM08-616, Ralph Troberg and Mining Land Use Approval AP08616

The Yukon Water Board (“the Board”) has made licensing decisions with respect to water use application PM08-616 (renewal of PM00-173), for a type B licence and Class 4 mining land use approval AP08616 on Bonanza Creek for a placer mining undertaking.

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:

- Government of Yukon (“GY”), Energy, Mines and Resources, Client Services and Inspections;
- Tr’ondëk Hwëch’in; and
- GY, Energy, Mines and Resources, Mining Land Use.

No party requested a public hearing. The Applicant did not respond to the interventions.

In making licensing decisions pertaining to this application, the Board also took into account the *Waters Act*, *Waters Regulation*, the application, recommendations from the interveners, the *Yukon Environmental and Socio-economic Assessment Act* (“YESAA”) Decision Document, the Board’s standard licence requirements, Yukon Placer Mining Fish Habitat Suitability Map, Mining Map 1150/14i, 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 the YESAA Decision Document (“Decision Document”) that is included in the water use register. As per section 86 of YESAA, the Board is satisfied that the issuance of licence PM08-616 is not contrary to the terms and conditions included in the Decision Document.

Condition 20 of the Decision Document stated a notification requirement of any “reportable” fuel spill to the Tr’ondëk Hwëch’in. The Board, through clause 32 of the Water Use Licence, did not conflict with this YESAB condition, however remained consistent with previous decisions requiring any spill to be reported.

Condition 26 of the Decision Document stated a requirement for notification to the Tr’ondëk Hwëch’in for any heritage resource discovered by the Licensee on Settlement Land. The board reflected this condition through clauses 33, 34, and 35 of the mining land use approval.

GY, Client Services and Inspections

GY confirmed for the Board that the project is located within the Klondike River Watershed and provided the applicable compliance standard under Department of Fisheries and Oceans Canada Klondike River Watershed Authorization (“authorization”), which is 2.5 ml/L. GY also recommended that the point of compliance should be at the point of entry to the stream. The Board included the standard clause for the effluent and point of compliance to satisfy the authorization.

Tr’ondëk Hwëch’in

The Tr’ondëk Hwëch’in recommended that they should be notified if any evidence of heritage resource (archaeological sites or burial grounds are discovered). The Board discussed whether or not standard wording of the mining land use approval appropriately incorporated conditions of the Umbrella Final Agreement, specifically provisions of Chapter 13 - Heritage Resources. The Board decided to keep its generic clauses regarding the notification requirements to the Chief of Placer Land Use, Heritage Resources and Yukon Palaeontology. Given that the project overlaps with Category A Settlement Land and the wording of condition 26 of the Decision Document, the Board decided to include the three clauses recommended by the Tr’ondëk Hwëch’in in the mining land use approval under clauses 33, 34, and 35. It is also expected that these conditions would be reflected in the land use permit issued by the Tr’ondëk Hwëch’in.

The Tr’ondëk Hwëch’in recommended that they should be notified immediately in the event of a fuel spill. The recommendation is reflected in clause 32 of the water use licence.

GY Mining Land Use

The Board determined that the issuance of approval AP08616, which reflects the requirements of Schedule 1 of the *Placer Mining Land Use Regulations*, will satisfy the Mining Lands recommendation for compliance.

Chapter 14 of the UFA

The Board examined the proposed use of water as it relates to Chapter 14 of the Umbrella Final Agreement, 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:

- Tr’ondëk Hwëch’in Final Agreement and Mining Claim Map 1150/14
 - The proposed operation is located within parcel TH R-20A. This mining application is an application of a renewal of an existing mining right.
 - Settlement Land Parcel TH R-20A is referenced in the Tr’ondëk Hwëch’in Final Agreement.
- Water Flow estimates and Water Use
 - According to the estimates provided in the application, the requested quantity of water to be used for the mining operation represents approximately less than 1% of Bonanza Creek’s total flow during mining season.

- Water Quality
 - The Department of Fisheries and Oceans has issued an Authorization for the Klondike River Watershed. The Authorization includes sediment discharge standards for placer mine effluent.
 - The effluent discharge standards for freshwater production zones have been included in the licence.

Given the above considerations of flow rate estimates, and water quality, and that this area has had extensive previous development, 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 PM08-616 and AP08616 for a Class 4 Placer Mining Land Use Operating Plan.



Chairperson
Yukon Water Board

August 25, 2010

Date

